

WISCONSIN.

John S. Barry, Phillips.
 A. J. Bolger, Minocqua.
 Lawrence Clancey, East Troy.
 Jens Davidson, Westby.
 A. J. Dopp, Waukesha.
 Peter P. Dugal, Cadott.
 William H. Dunn, Rice Lake.
 Henry H. Gleason, Glenwood City.
 William Huntley, Neillsville.
 Hans J. Jensen, Luck.
 John B. Kerrigan, Fennimore.
 Charles J. Knilians, Sharon.
 Herman Lindow, Manawa.
 W. C. McMahon, Cumberland.
 P. T. Moore, Brodhead.
 James O'Hara, Mazomanie.
 Paul A. Paulsen, Withee.
 Elmer A. Peterson, Walworth.
 W. W. Sanders, Osceola.
 John J. Scanlon, Fennimore.
 Clare L. Shearer, Eagle.
 William Shenkenberg, Waterford.
 Charles W. Steele, Beloit.
 Ray C. Stewart, Clinton.
 C. M. Tallman, Delavan.
 William Wagner, Thorp.
 Thomas Walsh, Oregon.
 Carl Whitaker, Chetek.
 Henry E. Zimmermann, Burlington.
 John A. Zimpelmann, Eagle River.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 11, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, for that deep and abiding faith resident in the heart of man which enables him to realize that back of all that he perceives with his natural senses is a Supreme Intelligence from whom and through whom all things proceed, an Intelligence which not only guides the stars in their courses, but somehow shapes and guides the destiny of men. Increase, we beseech Thee, that faith, that all the world may be brought into the bonds of a spiritual brotherhood which shall lift them into harmony, peace, and good will through the incomparable life and character of Him who poured out His life in love on Calvary that all men might know and worship Thee in spirit and in truth. Amen.

The Journal of the proceedings of yesterday was read and approved.

J. LAWRENCE LATHAM.

Mr. SISSON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. SISSON. I rise to ask a change of reference of a bill, H. R. 8466, which was introduced by me and which was referred to the Committee on Claims. It should have been referred to the Committee on the Post Office and Post Roads.

The SPEAKER. What is it about?

Mr. SISSON. It is in reference to the relief of a postmaster. There is no money to be paid out of the Treasury. It is simply for relief.

The SPEAKER. What is the nature of the bill?

Mr. SISSON. It is for the relief of a postmaster where funds were taken from the post office by burglary, but no payment has been made by the postmaster into the Treasury. The bill should be referred to the Committee on the Post Office and Post Roads.

The SPEAKER. Why?

Mr. SISSON. Because there is no claim against the Government here at all.

The SPEAKER. What is he trying to do?

Mr. SISSON. He is simply asking to be relieved of the payment of the funds.

The SPEAKER. Payment of the amount that was lost?

Mr. MANN. That has always been considered as a claim against the Government, and those bills have always gone to the Committee on Claims. There have been a large number of them.

Mr. SISSON. My understanding, Mr. Speaker, is that where there is any claim against the Treasury it would go to the

Committee on Claims, but where it was merely for the relief of a postmaster, it would go to the Committee on the Post Office and Post Roads.

Mr. MANN. Those have always been held to be claims, and have always been referred to the Committee on Claims.

The SPEAKER. They have gone to the Committee on Claims for 22 years, to my certain knowledge, because I served on that committee when I was here first.

Mr. MANN. We had two notable cases—one at St. Louis and one at Chicago—with quite a controversy over them, and they went to the Committee on Claims.

The SPEAKER. There is no question but that it should go to the Committee on Claims. Of course, the Chair has no right to interject. Is there objection?

Mr. MANN. Reserving the right to object, I think the Committee on the Post Office and Post Roads would have no authority to report it under the rules.

Mr. SISSON. I was acting, Mr. Speaker, on the theory that, it not being a claim against the Government and there was no money to be paid out of the Treasury, it would go to the Committee on the Post Office and Post Roads.

Mr. MANN. Thinking to release a claim by the Government.

Mr. SISSON. I presume that would be the status exactly.

The SPEAKER. Is there objection to sending this to the Committee on the Post Office and Post Roads?

Mr. MANN. I object, Mr. Speaker.

Mr. LINDBERGH. Mr. Speaker, I object.

BRIDGE ACROSS OCONA LUFTY RIVER, N. C.

Mr. BRITT. Mr. Speaker, I rise to ask unanimous consent for change of reference of the bill to which I referred yesterday, H. R. 3675, from the Committee on Interstate and Foreign Commerce to the Committee on Indian Affairs, the gentleman from Georgia [Mr. ADAMSON] having withdrawn his objection, I understand.

Mr. ADAMSON. Mr. Speaker, the War Department has failed to recognize that as a stream for navigation along the line that the War Department is following, and so I have no objection.

The SPEAKER. Is there objection?

Mr. LINDBERGH. Reserving the right to object, is this a public bill?

Mr. BRITT. This is a bill for the appropriation of \$15,000 to build a bridge across the river to connect the Indian land and the Government land, on which a school is located. It is a public bill.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

BRIDGE ACROSS PEND OREILLE RIVER, IDAHO.

Mr. MANN. Mr. Speaker, yesterday the House passed the bill (H. R. 320) for a bridge across the Pend Oreille River, in Bonner County, Idaho, in which there is a slight grammatical error, and I ask unanimous consent to vacate the proceedings by which the bill was passed and that it may be returned to second reading.

Mr. ADAMSON. What is the trouble?

Mr. MANN. The bill, as introduced, read: "That the county commissioners of Bonner County are hereby authorized," which is correct grammar. But now it reads: "That the county of Bonner, State of Idaho, are authorized." I want to make it correct English.

Mr. ADAMSON. I suppose the word "county" is correct English, but it can not be regarded as a collective noun. I think the grammar should be right whether the law is right or not.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all proceedings under the bill H. R. 320, on yesterday, be vacated. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I ask to have the bill amended, in line 4, by striking out the word "are" and inserting the word "is."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 1351. An act providing for the discovery, development, and protection of streams, springs, and water holes in the desert

and arid public lands of the United States, in the State of California, for rendering the same more readily accessible and for the establishment of and maintenance of signboards and monuments locating the same;

S. 1066. An act authorizing leave of absence to homestead settlers upon unsurveyed lands;

S. 733. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation, Wyo.;

S. 22. An act to promote and encourage the construction of wagon roads over the public lands of the United States;

S. 2266. An act to authorize the appointment of Duncan Grant Richart to the grade of lieutenant in the Army;

S. 1294. An act amending section 81 of the Judicial Code;

S. 1781. An act to correct the military record of Nathaniel Monroe;

S. 1378. An act to amend the military record of John P. Fitzgerald;

S. 898. An act authorizing the Secretary of the Interior to designate certain tracts of land in the State of Nevada upon which continuous residence shall not be required under the homestead laws;

S. J. Res. 25. Joint resolution authorizing the printing of 50,000 copies of the Special Report on the Diseases of the Horse; and

S. J. Res. 19. Joint resolution authorizing the printing of 50,000 copies of the Special Report on the Diseases of Cattle.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1378. An act to amend the military record of John P. Fitzgerald; to the Committee on Military Affairs.

S. 1781. An act to correct the military record of Nathaniel Monroe; to the Committee on Military Affairs.

S. 2266. An act to authorize the appointment of Duncan Grant Richart to the grade of lieutenant in the Army; to the Committee on Military Affairs.

S. 22. An act to promote and encourage the construction of wagon roads over the public lands of the United States; to the Committee on the Public Lands.

S. 733. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation, Wyo.; to the Committee on the Public Lands.

S. 1066. An act authorizing leave of absence to homestead settlers upon unsurveyed lands; to the Committee on the Public Lands.

S. J. Res. 25. Joint resolution authorizing the printing of 50,000 copies of the Special Report on the Diseases of the Horse; to the Committee on Printing.

S. J. Res. 19. Joint resolution authorizing the printing of 50,000 copies of the Special Report on the Diseases of Cattle; to the Committee on Printing.

S. 898. An act authorizing the Secretary of the Interior to designate certain tracts of land in the State of Nevada upon which continuous residence shall not be required under the homestead laws; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1230. An act to authorize the construction of bridges across the Fox River at Aurora, Ill.

ORDER OF BUSINESS.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that after the reading of the Journal on Thursday of this week I may be permitted to address the House for 40 minutes.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] asks unanimous consent that after the reading of the Journal and the clearing up of business on the Speaker's table on Thursday he be allowed to address the House for one hour, subject, of course, to the restrictions that have been imposed on all these requests. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker—
Mr. CARTER of Oklahoma. I reserve the right to object.
Mr. GARNER. Mr. Speaker, the gentleman asked for only 40 minutes.

The SPEAKER. Forty minutes.

Mr. MANN. Reserving the right to object, Mr. Speaker, let us first see if we can not have some understanding on this matter. There are several gentlemen on this side who desire time. The phosphate or coal-leasing bill comes up to-day as privileged, and as privileged to-morrow, for general debate. Why can we not use that time in Committee of the Whole, where these speeches may be made, giving the bill the right of way, perhaps

for the balance of the week, if necessary? I think there is nothing else that is pressing.

Mr. HARRISON. I thought there would be nothing that would come up on Thursday, unless it should be the good-roads bill.

Mr. MANN. I know that the gentleman from Oklahoma [Mr. FERRIS] would like to proceed with his bill on Thursday. It undoubtedly will not be finished on Wednesday, and the general debate would run over then; probably it would. These speeches could be had in general debate on that bill, and it would probably expedite somewhat the business of the House.

Mr. HARRISON. Mr. Speaker, that would suit me just as well, so that I can get in on Thursday or Friday or Saturday.

Mr. MANN. Will not the gentleman withdraw his request until we can see if we can arrange it that way? I think the gentleman from Oklahoma [Mr. FERRIS] would like to go ahead if the House will give him permission.

Mr. HARRISON. Very well. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER. The gentleman from Mississippi withdraws his request.

EXTENSION OF REMARKS.

Mr. OLNEY rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. OLNEY. I rise to ask unanimous consent to have my remarks extended in the Record on the dyestuff situation, which includes an extract from the Lewiston Journal of September 15.

The SPEAKER. The gentleman from Massachusetts [Mr. OLNEY] asks unanimous consent to extend his remarks in the Record on the subject of dyestuffs.

Mr. LINDBERGH rose.

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. LINDBERGH. I rise to object.

The SPEAKER. Is the gentleman objecting?

Mr. LINDBERGH. I am.

The SPEAKER. The gentleman from Minnesota objects.

Mr. OLNEY. Will the gentleman state his reason?

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by including a communication from the Hon. J. E. Kelley on the farmers and grain gamblers.

The SPEAKER. The gentleman from South Dakota [Mr. DILLON] asks unanimous consent to extend his remarks in the Record by printing a communication from Hon. J. E. Kelley on the subject of farmers and grain gamblers. Is there objection?

Mr. DILLON. He was at one time a Member of this House in the Fifty-fifth Congress.

The SPEAKER. Is there objection?

Mr. LINDBERGH. I object, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota objects.

REPORT OF THE INDUSTRIAL RELATIONS COMMISSION.

Mr. BARNHART rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. BARNHART. To offer a privileged House joint resolution, which I ask to have read and ask for its present consideration.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] submits a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution authorizing the printing of 100,000 copies of the final report of the Commission on Industrial Relations as a House document.

Resolved, etc., That the final report of the Commission on Industrial Relations be printed as a House document and that 100,000 additional copies be printed and bound in cloth, of which 70,000 copies shall be for the use of the House of Representatives and 30,000 copies for the use of the Senate.

The SPEAKER. The Clerk will read the accompanying report.

The Clerk read as follows:

Mr. BARNHART, from the Committee on Printing, makes the following report (to accompany H. J. Res. —):

"The Committee on Printing, having had under consideration various joint resolutions providing for the printing as a House document the testimony and final report of the Industrial Relations Commission, reports as a substitute therefor the following joint resolution (H. J. Res. —) and recommends its adoption:

"That the final report of the Commission on Industrial Relations be printed as a House document and that 100,000 additional copies be printed and bound in cloth, of which 70,000 copies shall be for the use of the House of Representatives and 30,000 copies for the use of the Senate.

"The estimated cost will be \$18,711.18.

"The unencumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1916, is \$883,678.26."

Mr. FOSTER rose.

Mr. MANN. Mr. Speaker, I reserve a point of order on it.

The SPEAKER. For what purpose has the gentleman from Illinois [Mr. FOSTER] risen?

Mr. FOSTER. I want to ask a question. Is it proposed that these reports be distributed through the folding room or the document room?

Mr. BARNHART. Through the folding room.

Mr. FOSTER. The resolution does not so provide.

Mr. BARNHART. It is in the usual language. They go to the folding room.

Mr. FOSTER. This resolution providing for the printing of the report has nothing to do with printing the evidence taken before the commission any more than that it has reference to it.

Mr. BARNHART. If the gentleman from Illinois will permit, I might offer a word of explanation. The Committee on Printing has before it numerous resolutions referring to the printing of the report of the Industrial Relations Commission and the hearings before that commission, to the inquiry into the Colorado strike, and some other investigations. There has been a pressing demand that some action be taken at least as to the publication of the report and the hearings.

The committee has been unable, on account of the absence of the chairman of the committee from the city, to get a definite understanding as to what the commission desires to include in the hearings, and for that reason we have been unable to get any estimate from the Government Printing Office as to what it will cost. But I might say, in this connection, that the committee has practically agreed to do this in the way of a report, and that is to ask for the adoption of this resolution now, which provides for the publication of 100,000 copies of the report, and it will be issued from the Government Printing Office. Thereby the plates will be preserved, and for the small sum of about \$15.60 these plates can be put back on the press and additional copies issued from time to time as the demand requires.

I might say that the cost of these 100,000 copies will be eighteen thousand and some dollars. It has been practically decided to have printed the usual number of the hearings, which means that each Member of Congress will be provided with a copy, and that each depository library in the United States shall be furnished with one copy, and the executive departments furnished with one, as the law provides. That will cost, as it is now estimated, about \$28,000, and I might say it does not include such things as four volumes of the life of John D. Rockefeller, and other similar documents, which would make the publication so voluminous that it would be almost impossible to handle it and also impossible for anyone to read them. The committee has practically decided, I say, to print all of the evidence in the hearings if it can be arranged with the commission to that effect, preserving the plates for future use, so that the cost of printing additional volumes would be nominal.

We are unable to report on the Colorado Strike Commission because we do not know what the commission's idea of the number of copies needed may be. When we get a hearing from Mr. Walsh and Mr. Manley we will report this out, but for the time being the committee thought it best to commence the publication of these reports, which everybody seems to want, and take the matter up as to the other publications as soon as we can get into communication with those who are most familiar with the actual needs.

Mr. STEENERSON. How many volumes will there be if all these hearings are printed?

Mr. BARNHART. There will be 1 volume of this report. There will be either 7 volumes, of 1,080 pages each, or 14 volumes, of 540 pages each, of the evidence, without any of the exhibits.

Mr. STEENERSON. That will not include the exhibits?

Mr. BARNHART. That will not include the exhibits; that will include the oral evidence only.

Mr. STEENERSON. How many volumes when you include everything?

Mr. BARNHART. We do not know, because we have not been advised as to all that is included in the exhibits, and we are awaiting that information before completing the report of the Printing Committee on this subject.

Mr. STEENERSON. Will there be 30 or 35 volumes?

Mr. BARNHART. The probability is that if all the exhibits should go in there would be many volumes, and if the number of copies are printed that some are asking the cost would be at least \$100,000 for this one publication.

Mr. STEENERSON. About 35 volumes?

Mr. BARNHART. I am not prepared to say. I can not make any estimate, for I do not know what all the exhibits might include.

Mr. STAFFORD. Will the gentleman from Indiana yield for a question?

Mr. BARNHART. Yes.

Mr. STAFFORD. Will the gentleman inform the House how many copies of the hearings will be available for Members of the House, to their credit?

Mr. BARNHART. My recollection is that it will mean 230 copies of this report for each congressional district in the United States. Senators, however, will distribute 30 per cent of those, and that will give about 160 copies to each Member of the House.

Mr. STAFFORD. Of the hearings and the report?

Mr. BARNHART. Of the report.

Mr. STAFFORD. I made an estimate as to the number of reports, but I wish to inquire how many copies of the hearings will be available?

Mr. BARNHART. We do not know that, because we do not know the number of volumes yet, and we can not get any estimate of the cost.

Mr. STAFFORD. I thought the resolution provided for at least one copy of the hearings for each Member?

Mr. BARNHART. No; it does not. I was just stating that as the intention of the committee in an explanatory way.

Mr. STAFFORD. This merely relates to the report?

Mr. BARNHART. That is all.

Mr. MANN. I withdraw the point of order against the resolution.

Mr. BARNHART. Let us have a vote, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] withdraws the point of order. He never made it, but only reserved it. The question is on the engrossment and third reading of the joint resolution.

Mr. FITZGERALD. Mr. Speaker, is this a joint resolution or a concurrent resolution?

Mr. BARNHART. It is a joint resolution.

Mr. FITZGERALD. Mr. Speaker, it should be a concurrent resolution. A joint resolution has to be approved by the President.

Mr. MANN. It is a matter which relates purely to printing for the two Houses.

Mr. FITZGERALD. We want this in such form that Members can get copies of this report without delay, and a joint resolution is not the best form for that.

Mr. BARNHART. Then I will ask unanimous consent to change the form of the resolution from a joint resolution to a concurrent resolution.

Mr. DAVIS of Texas. Mr. Speaker, I understood the gentleman from New York [Mr. FITZGERALD] to say that if this goes through as a joint resolution it will forbid the Members claiming any right to distribute copies of this report. Is that correct?

Mr. FITZGERALD. I am not talking about that at all. I am trying to get this in such form that copies of this report will be printed promptly, if they are going to be printed at all.

The SPEAKER. The gentleman from New York said it ought to be a concurrent resolution. The difference is that a joint resolution has to be signed by the President and a concurrent resolution does not.

Mr. ADAMSON. That is the difference.

Mr. BARNHART. I ask unanimous consent to change the form of the resolution so as to make it a concurrent resolution.

Mr. DAVIS of Texas. Mr. Speaker, I would like to amend by making it a concurrent resolution.

Mr. BARNHART. That is what we are doing now.

The SPEAKER. We are doing it now.

Mr. DAVIS of Texas. Thank you.

The SPEAKER. The gentleman from Indiana asks unanimous consent to change the form of this resolution, to make it a concurrent resolution instead of a joint resolution. Is there objection?

There was no objection.

The concurrent resolution was agreed to, as follows:

House concurrent resolution 9 (H. Rept. 31).

Resolved by the House of Representatives (the Senate concurring). That the final report of the Commission on Industrial Relations be printed as a House document and that 100,000 additional copies be printed and bound in cloth, of which 70,000 copies shall be for the use of the House of Representatives and 30,000 copies for the use of the Senate.

COMMITTEE ON THE TERRITORIES.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 86.

Resolved, That the Committee on the Territories be allowed to sit during the sessions of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

OUR RIGHTS ON THE SEA.

The SPEAKER. Under a special order of the House the gentleman from Ohio [Mr. FESS] is entitled to one hour. [Applause.]

Mr. FESS. Mr. Speaker and gentlemen of the House, I hold no brief for any belligerent country. I am not speaking now in the interest of any particular element of the American electorate. Neither am I espousing the cause of any particular State or section of the country. Neither am I pleading in the interest of any particular commodity of commerce; but as a citizen of the Republic I ask the attention of this House to the question of American rights upon the sea, whether they be violated by a projectile from a submarine or interfered with by a high-handed interpretation of international law, which, in my way of thinking, has come to recognize no law save that of necessity, and that of the interpretation of the country that is violating the right.

While I speak especially against aggressions upon the sea by one of the countries, Great Britain, I do not minimize the gravity of the situation of our country in our contention with the central powers. Our Nation will not stand for the submarine war against unarmed merchant vessels, whether carrying American citizens or citizens of other neutral countries, for that sort of interference is not only in violation of international rights as defined in the practice of international law, but it is in violation also of rights that are human, that no one has thought necessary to protect under the decree of law. And while I shall pay special attention to the aggressions of Great Britain, I want to be clearly understood on the question of the German and Austrian interference with our rights as well.

I can best give my position on this contention by reading my telegram of May 15, 1915, to the New York Times in answer to a request from the editor at the time of the occurrence to indicate my view on the President's note on the sinking of the *Lusitania*.

The people of the United States will stand by the President in his demand for the discontinuance of submarine warfare on merchant vessels, even to the extent of entering the whirlpool, which would blast all hope of our leading the warring nations to peace. If diplomacy fails, we must be the just man armed.

On July 10, 1915, in reply to same authority, I sent the following opinion on the German reply,

The German reply is conciliatory in tone and specific in terms, but disappointing on the main issue. The rights of a citizen in neutral vessels on the high seas are assured. This is no concession, as it was never contended against when the vessels were engaged in legitimate commerce. The requirement that such ships be so marked as to be recognizable by German submarines will not meet with approval, as our flag is our sufficient mark. The limitation of travel to vessels marked and scheduled in accordance with the requirements is not only an infringement of our rights on the sea, but would be interpreted as unneutral. The defense of the sinking of the *Lusitania* must be regarded as a justification to repeat the act if occasion permits. Nothing will satisfy the country except an assurance of the rights of neutral citizens upon the sea, whether in neutral vessels or unarmed belligerent merchant vessels engaged in legitimate commerce. In this assurance the reply is wanting—a serious disappointment.

On July 24, in response to same authority, requesting an opinion on the policy of national defense in the light of the *Lusitania* tragedy, I wired the following:

MUST KEEP THE WORLD'S RESPECT.

Peace with honor must be our goal. That is assured neither by vacillating diplomacy nor by inability to defend our Nation's rights. While the Nation will never enter upon a campaign of militarism, it will most certainly employ the necessary means to command respect of all nations. The President's statement that a repetition of the *Lusitania* incident will be regarded as a deliberate unfriendly act, read in the light of its first use in its significance as reflected in 92 years of the Monroe doctrine, can have but one meaning. War must be the last resort; but if it must come our safety will not lie in propaganda, but in our ability for national defense.

On July 24, 1915, on the same day in answer to the same authority, I wired the following on Germany's second reply:

A NOTE OF FINALITY.

The President's reply has the note of finality. It leaves the German Government to decide whether rights under international law as well as the plainest rights of humanity are to be abandoned for the principle of necessity which knows no law. To have acceded to the last note would have been an abandonment of neutral rights on the sea, for which we have always stood for all nations.

Members of the House, I read these telegrams to you that you may know that while I condemn Great Britain for her over-riding all international law, it is not excusing other countries for their violations.

But, turning from incursions upon the sea by the central powers, I want to pay some attention to the statement of my friend the gentleman from Massachusetts [Mr. GARDNER], whose scholarly attainments are certainly superior, and whose ability in this House is universally recognized. Last week, when he addressed the House, I put the question directly to him, "Would you exonerate Great Britain in her extending the blockade to neutral countries?" He replied at once without hesitation, which did him credit, "I would not for the time being." When later a question was asked from the Democratic side of the House, "Would you be willing to remove the encroachment?" his reply was not ambiguous but specific, "Not for the time being."

I would not be drawn into this controversy if it were not for that sort of an answer on the floor of the House of Representatives at this particularly critical time when the country ought to see where this policy is leading the Nation. I do not think, Members of the House, that any nation has the right to be a law unto itself, totally oblivious of all the practices of international law, and to the most concise and recent statements that have yet been made of what those practices should be.

The declaration of Paris in 1856 coming at the close of the Crimean War, in which Great Britain was one of the most interested parties, specifically defined the rights of neutrals on the high seas, and this definition was not only indorsed by Great Britain but it was held as her idea ever since when she was a neutral. Let me read the declaration of Paris touching blockade:

ARTICLE 2.

The neutral flag covers enemy's goods, with the exception of contraband of war.

ARTICLE 3.

Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag.

ARTICLE 4.

Blockades in order to be binding must be effective; that is to say, maintained by a force sufficient really to prevent access to the coasts of the enemy.

This declaration of Paris stood as a law and was respected by the signatory nations, especially Great Britain, for 60 years. In 1909 upon the initiation of Great Britain a council in the city of London was held representing the greatest nations of the earth. The council adopted a series of rules and regulations of commerce on the sea, and is known as the declaration of London. The very first decree refers to the declaration of Paris, and substantially repeats the obligations laid down in that declaration in regard to blockade, and even goes beyond it in the liberality of contraband. However, if I wanted to know the present attitude of Great Britain upon the question of contraband when she was a neutral, I would look to the instructions of that country given by Sir Edward Grey, probably Europe's ablest statesman, to the delegates that were to sit in The Hague conference in 1907. Let me read those instructions:

His Majesty's Government recognize to the full the desirability of freeing neutral commerce to the utmost extent possible from interference by belligerent powers, and they are ready and willing for their part, in lieu of endeavoring to frame new and more satisfactory rules for the prevention of contraband trade in the future, to abandon the principle of contraband of war altogether, thus allowing the over-sea trade in neutral vessels between belligerents on the one hand and neutrals on the other to continue during war without any restriction, subject only to its exclusion by blockade from an enemy's port. They are convinced that not only the interest of Great Britain but the common interest of all nations will be found on an unbiased examination of the subject to be served by the adoption of the course suggested.

The recommendation here was made that the delegates to The Hague convention use their power to induce the convention to abolish contraband. It is easy to see why this great sea-power desired to make all neutral goods free. Here lies her strength.

In the event of the proposal not being favorably received, an endeavor should be made to frame a list of the articles that are to be regarded as contraband. Your efforts should then be directed to restricting that definition within the narrowest possible limits and upon lines which have the point of practical extinction as their ultimate aim.

Mr. SHERWOOD. Will the gentleman yield?

Mr. FESS. Certainly.

Mr. SHERWOOD. Will the gentleman explain what he means by abolishing contraband?

Mr. FESS. I mean by abolishing contraband to exclude all articles of commerce from liability to seizure in time of war; in a word, to make all goods free instead of contraband.

Continuing the instructions of Grey:

If a definite list of contraband can not be secured, you should support and, if necessary, propose regulations intended to insure that nations shall publish, during peace, the list of articles they will regard as con-

contraband during war, and that no change shall be made in the list on the outbreak of or during hostilities.

You can not make the position stronger against contraband. Those are the instructions, in 1907, to the delegates to The Hague conference, and ought to fairly state England's position as a neutral nation to-day, as they were given but eight years ago. In 1898 we were in war with Spain, Great Britain was in war with the Boers, and I might as well say here and now that your speaker has always been rather favorable to Great Britain in her contentions in the wars in which she has been engaged in the last 100 years, or since at least our trouble with her in 1812-1815. But the Boer war, so bitterly criticized in our country, offered opportunities for Great Britain to say in time of war, when she was a belligerent, what she regarded as contraband. When cotton was proposed as contraband, and foodstuffs were discussed as contraband, Great Britain forbade it in the following words of Lord Salisbury, the prime minister:

Foodstuffs, though having a hostile destination, can be considered as contraband of war only if they are for the enemy's forces; it is not sufficient that they are capable of being so used, it must be shown that this was in fact their destination at the time of their seizure.

In 1904 Russia and Japan were in war. Japan desired to pronounce cotton contraband. Great Britain took the position that cotton should not be contraband, because so small a portion of that which is transported would be used as a commodity of war, and therefore forbade it; and it was dropped from the list.

In 1909 the declaration of London was made and a fixed list of articles to be determined as contraband was written, which I shall put into the RECORD. Not only were those items of commerce specified in two separate articles of the declaration—articles 22 and 23—but a specific, separate article—23—defines what shall not be contraband. That is the latest declaration and the highest expression of international law that is on record to-day, the declaration of London, adopted in the city of London by a convention called by Great Britain. As quickly as this war opened our Secretary of State addressed a note to the British Government asking whether the Government would take the declaration of London as the law to control naval activities during the continuance of the war.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. FESS. I do not want to be discourteous—

Mr. HUDDLESTON. I just want to ask a question as to what nations had accepted that declaration of London.

Mr. FESS. The declaration of London was signed by the representatives of all the powers represented, including Great Britain, and it is the highest and latest expression of the countries, and simply because it was not ratified—and neither was it voted down, for no chance was given to do it—does not make it any less vital or compulsory or imperative. The British Cabinet did not ratify it because its contraband features too much interfered with neutral rights. On the 6th of August, the day after war opened between Germany and England, our Secretary of State asked Great Britain if she would stand by the declaration of London during the present conflict, provided Germany should agree to do it, and he simultaneously asked Germany if she would stand by the declaration of London provided England would do so. Germany replied she would. Great Britain replied she would with modifications. These modifications were vital and of such character that the acceptance was a total negation of the declaration of London. I am not inclined to criticize our administration at this time upon this question, but I am going to read one statement in our note of December 26, 1914, that I think is seriously weak and was a fatal mistake.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield?

Mr. FESS. I am very glad to yield to the gentleman from Pennsylvania.

Mr. TEMPLE. Before the gentleman passes from the discussion of the declaration of London, I should like to ask whether the American Government, in submitting the proposals which he speaks of to the various belligerents, assumed that the declaration of London was international law or that it was a treaty, or either of those things?

Mr. FESS. Mr. Speaker, our Government did not assume that it was a treaty, because it was not in the form of a treaty but a convention. It was not made as a treaty. It was not submitted to the Senate, as I remember. Our Government, however, did assume that it was the highest expression of rights on the sea and wanted to know whether the belligerents would take that position.

Mr. TEMPLE. I think the gentleman will find that it was submitted to the Senate and received the full two-thirds vote in the Senate.

Mr. FESS. As a treaty?

Mr. TEMPLE. Ratified; but the ratifications were not exchanged.

Mr. FESS. If Dr. TEMPLE, the Member from Pennsylvania, says that, it is true, because he knows what he is talking about and is always careful of his utterances.

Mr. TEMPLE. Then I should like to ask one other question. Does the American Government now recognize the declaration of London as international law or as a binding treaty?

Mr. FESS. It does not in this matter, because it has withdrawn its request from both Governments since Great Britain rejected it. It was withdrawn October 22, as the documents which I shall insert will show. This was necessary to hold the belligerents to the laws governing rights on the sea.

Mr. TEMPLE. May I—

Mr. FESS. Mr. Speaker, I do not want to be disrespectful to any Member, and especially not to the distinguished gentleman from Pennsylvania, but I do want to have time to say some specific things before my time is up. Listen to the one thing that, I think, was very unfortunate, from the State Department December 26. Among other things, Secretary Bryan said:

The commerce between countries which are not belligerent should not be interfered with by those at war unless such interference is manifestly an imperative necessity to protect their national safety, and then only to the extent that it is a necessity.

Mr. Speaker, I appeal to both sides of the House, Republican and Democratic, whether that is not a surrender of our rights, as defined by international practice, to the law of necessity, which is the one thing Germany has ever claimed in justification of her submarine policy—that it was necessary for her to do this and that—a law which we can not and will not stand for. And when the Secretary of State put England in the position to plead the law of necessity, Sir Edward Grey immediately seized upon it and quoted the identical words in his reply of January 7, a part of which I read:

His Majesty's Government cordially agree in the principle enunciated by the Government of the United States, that a belligerent, in dealing with trade between neutrals, should not interfere unless such interference is necessary to protect the belligerent's national safety, and then only to the extent to which this is a necessity.

From that day until now every movement on the sea by Great Britain has been defended by that statement laid down in our correspondence on this sensitive point; and while I have not noticed weakness in our diplomacy since that time to that extent, yet here is the beginning of a policy that is a total surrender, I fear, and we are paying the penalty for it at this time.

Mr. Speaker, I would not accept the position of my friend the gentleman from Missouri [Mr. SHACKLEFORD], who spoke yesterday with so much interest to everyone, when he rather took the position, as I thought, that the Nation ought to lay an embargo upon munitions of war. I would not do that, save as a necessary means to prevent a greater evil. Neither would I take the position of my friend from Massachusetts [Mr. GARDNER] that we should not interfere with the exportation of munitions of war for the reason that England needs them. I doubt whether any man has the right on the floor of this House to make the statement that we ought not to limit munitions of war or their shipment because one of the belligerent countries needs them. I doubt its wisdom. I know it is not discreet; I would not say that it is unpatriotic, because of my regard for the splendid and scholarly Member who made the statement. But I oppose the embargo upon munitions for other reasons, three specific reasons. First, the right given in The Hague conference, article 7, is not limited to the right of a neutral to sell. It must be understood when we say a neutral we refer to citizens of a neutral country. To be sure, our Nation does not sell munitions.

The real significance to us is not the right of a neutral to sell, but rather the right of the belligerent to buy. If we were doing nothing more in laying an embargo than interfering with an individual American citizen selling munitions, we could afford to do it if we found it necessary, and we would not violate any international agreement but simply the right of our citizens, but when one belligerent has taken control of the sea, so that but one can get munitions, and we turn around, by act of Congress, and say to an individual citizen, "You can not ship to the one who can buy," we interfere with the right of the belligerent to purchase, and it would be unneutral, in my way of thinking. Again, I would not vote for an embargo, because this country urged the right of a belligerent to buy. We are not military. We do not believe in building up great munition plants; but we hold our right in case we get into war to go to any neutral country on the earth and buy the things we need that we are not making. It is in the interests of peace and against the military spirit that we refuse to put an embargo upon munitions of war.

And I would not vote for an embargo for another reason, and that is, if we put a law of that kind on the statute books we will be compelled to start a system of dangerous espionage in our country to see that no individual violates the law, for in case he did and we did not prevent it we multiply our troubles on the sea with the countries that are now in war. But, my friends, I would not refuse to vote for an embargo as an extreme and necessary measure to compel warring nations to respect our rights. I repeat, I would not refuse because I wanted one of the countries to get the help and the others not to get it. I do not put it on such a basis as that. [Applause.] Germany's inability to get munitions is not our refusal to sell them, but her inability to deliver what our citizens offer. What I am contending for is that the laws of contraband shall be respected by every country; that the laws of blockade shall be respected by every country.

What does Great Britain do in regard to these? I hold in my hand a list of the orders in council by Great Britain. One of these orders in council says that they adopt the declaration of London, with such and such a modification. Then the modification follows. The order in council of the 20th of August, 1914, did what? It repudiated the declaration of London by changing the list of contraband which the English instructions to the delegates to The Hague conference two years before inveighed against. After she had changed it August 20, 1914, on October 29, 1914, comes a second order in council and says:

The order in council of the 20th of August, directing the adoption and enforcement during the present hostilities of the convention known as the declaration of London, subject to the addition and modification therein specified, is hereby repealed.

You will note the orders in council of August 20, 1914, repudiated the declaration of London. The orders in council of October 29 repudiated the orders in council of August 20, and this is followed by a third repudiation of the last orders in council. Members of this House, is it possible that any nation can interfere by mere orders in council, thereby nullify all international agreement, and make herself a law unto herself to be observed by all nations, and by herself only so long as she sees fit not to change it again? My contention against Great Britain is that international law must be respected by her as well as it must be by the central powers; that is all I hold. [Applause.] I shall place in the Record the declaration of London that we may see how Great Britain has violated the very decrees which she has had most to do in making, for she has in the last 60 years been the neutral country of the earth and not the belligerent, and her contention has been for herself as a neutral. Now it is repudiated because she is a belligerent, and I do not think that this House is under any obligation to sit quiet and excuse all of these violations. What is the first one? From August, 1914, to August, 1915, she changed the list of contraband three times. She has done it after war began, both of which she declaimed against in 1907 and 1909. What else? She has repudiated the law of blockade, for the very first declaration of both the declarations of Paris and London is that a blockade must not extend to neutral coasts. Now her blockade extends to Denmark, to Holland, to Scandinavia, because they are in juxtaposition to the enemy's country. In other words, she claims the right in spite of all law to stop all neutral commerce to these countries. She has done it in violation of, first, her own professions when she was a neutral, of her own demand upon belligerents when she was a neutral, and is doing it to-day in the face of our protests and at a time when we stand upon our rights simply of international law. It has been said that her blockade is justified on the continuous voyage as defined by our courts during the Civil War. It is not. Such would be in direct violation of our Nation's instructions to our naval authorities. I here append these instructions:

INSTRUCTIONS OF THE SECRETARY OF THE NAVY TO FLAG OFFICERS COMMANDING SQUADRONS AND OFFICERS COMMANDING CRUISERS RELATIVE TO THE RIGHT OF SEARCH.

NAVY DEPARTMENT, August 18, 1862.

SIR: Some recent occurrences in the capture of vessels, and matters pertaining to the blockade, render it necessary that there should be a recapitulation of the instructions heretofore from time to time given, and also of the restrictions and precautions to be observed by our squadrons and cruisers.

It is essential, in the remarkable contest now waging, that we should exercise great forbearance, with great firmness, and manifest to the world that it is the intention of our Government, while asserting and maintaining our own rights, to respect and scrupulously regard the rights of others. It is in this view that the following instructions are explicitly given:

First. That you will exercise constant vigilance to prevent supplies of arms, munitions, and contraband of war from being conveyed to the insurgents, but that under no circumstances will you seize any vessel within the waters of a friendly nation.

Second. That, while diligently exercising the right of visitation on all suspected vessels, you are in no case authorized to chase and fire at a foreign vessel without showing your colors and giving her the customary preliminary notice of a desire to speak and visit her.

Third. That when that visit is made, the vessel is not then to be seized without a search carefully made, so far as to render it reasonable to believe that she is engaged in carrying contraband of war for or to the insurgents, and to their ports directly or indirectly by transshipment, or otherwise violating the blockade; and that if, after visitation and search, it shall appear to your satisfaction that she is in good faith and without contraband, actually bound and passing from one friendly or so-called neutral port to another, and not bound or proceeding to or from a port in the possession of the insurgents, then she can not be lawfully seized.

Fourth. That, to avoid difficulty and error in relation to papers which strictly belong to the captured vessel, and mails that are carried, or parcels under official seals, you will, in the words of the law, "preserve all the papers and writings found on board and transmit the whole of the originals unaltered to the judge of the district to which such prize is ordered to proceed"; but official seals, or locks, or fastenings of foreign authorities are in no case, nor on any pretext, to be broken, or parcels covered by them read by any naval authorities, but all bags or other things covering such parcels, and duly seized and fastened by foreign authorities, will be, in the discretion of the United States officer to whom they may come delivered to the consul, commanding naval officer, or legation of the foreign government, to be opened, upon the understanding that whatever is contraband or important as evidence concerning the character of a captured vessel will be remitted to the prize court, or to the Secretary of State at Washington, or such sealed bag or parcels may be at once forwarded to this department, to the end that the proper authorities of the foreign Government may receive the same without delay.

You are specially informed that the fact that a suspicious vessel has been indicated to you as cruising in any limit which has been prescribed by this department does not in any way authorize you to depart from the practice of the rules of visitation, search and capture prescribed by the law of nations.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Some people cite the *Springbok*, the *Peterhoff*, the *Dolphin*, the *Pearl*, the *Stephan Hart*, and the *Bermuda* cases to prove Great Britain is not doing more than we did in the Civil War. Members of this House, that, in my judgment, is a perversion of both the facts and the law, and it hurts to find a Congressman who will make the statement. Not one of those cases has taken a position other than what we now demand Great Britain to recognize, not a single one. The *Peterhoff* is in direct opposition to Britain's present claims. For the principle of the cases pronounced by Chief Justice Chase, some of them by Judge Betts, the brainy jurists of the country, was this: If the goods, contraband, of course, are shipped by way of Nassau and were intended to reach the belligerents or blockaded coasts, it was seizable whether the vessel was to stop, halt, and then go on, or even if that vessel was to be unloaded and the cargo to be transhipped in faster sailing vessels to avoid capture.

Every single decision says if the goods—and they were contraband, mark you—were to go into the mass of the commerce of the island of Nassau, then the goods are not seizable, and neither is the vessel. The basis of these decisions is not covered by a single case that we have in contention with Great Britain to-day. And when Members of the House say that Great Britain is not doing anything save what we did, in my way of thinking, they are clouding both the facts and the point of decision in all of the cases I have mentioned, and what is worse, laying the basis for serious trouble that is bound to follow. That is not the only serious indication of our present trouble.

The blockade may be used as a discrimination against not only our rights but against our immediate future, for if Great Britain can shut us out of the markets of Scandinavia and Denmark and Holland, which we emphatically deny, she can not blockade those coasts, even though we agree that it is a continuous voyage, unless she blockades the coasts against her own vessels [applause], for a blockade must extend to all vessels of all countries alike. And if Great Britain could extend her blockade to these vessels alone she could herself buy the article we otherwise would sell to neutral countries and then reship it at her own price to the same countries. In this way she fixes the price she pays to us and also the price she receives from them. Such monopoly on the sea is monstrous. These lines which are daily tightening upon the world's sea-borne commerce are ominous to any man who has watched the movement of this country the last year, especially in the light of the past.

My friends, this will not be tolerated unless you are ready to see every decree of international law violated. I presume my friend from Alabama [Mr. HEFLIN] will give you figures in detail to show you the profit Great Britain can make by extending her blockade there and keeping it open to herself. Members from Montana will show the same thing in copper, and Members from Chicago and Kansas City will tell you about meats. Blockade must exclude England if it excludes neutrals.

Again, a blockade must be effectual to be valid. This is why we paid no attention to Germany's order of February 18 declaring the waters about Great Britain a war zone. You can not blockade a coast by an invisible fence of submarines. Ger-

many never called it a blockade for that reason. It would have meant nothing under international law.

Is England's blockade effective? We say no. Our country has already notified her that it is "illegal, ineffectual, and indefensible."

She admits it is not effectual when she refuses us to sell to neutrals on the ground that the goods reach Germany. If they do, it is conclusive of the ineffectual character of her blockade and can not be valid against neutrals.

CONTRABAND.

Contraband is both absolute and conditional. Absolute contraband can be seized when it is shipped to enemy countries, whether direct or indirect. That is, if we were shipping absolute contraband, like shells, powder, cannon, and so on, to Germany, and shipping it through the neutral countries, that could be seized and confiscated wherever found, because it is reaching Germany indirectly. But this must be limited to absolute contraband. It can not extend to conditional contraband. Conditional contraband covers foodstuffs, clothing, mules, drugs, automobiles, and such articles that may or may not be used by the army, and can not be seized when consigned to neutral ports, nor to even belligerent ports when for the use of the civilian population. But Great Britain has decreed that conditional contraband shipped to a neutral country is seizable, and thereby she has eliminated the difference between conditional and absolute contraband, so that there is no discrimination whatever any more. In this method of order in council she has by the extension of contraband really blockaded not only the enemy but neutral coasts before she issued blockade orders.

I will submit for the RECORD tables of vessels, specifying the goods reaching neutral coasts, that have been seized by Great Britain, and I will submit 155 cases of it, and I will also show you where Great Britain, from March 11 to June 17, required 271 vessels to stop at a certain port, a port of her own call, and that were required to do it because she said so. She does not only say what we may ship, but where we may ship and what route we must take, and at the greatest cost.

FREE SHIPS; FREE GOODS.

That is not the only thing. Enemy's goods under neutral flags, if free goods, must be protected. I do not say contraband; certainly not. I refer to enemy free goods. Here are dyes, that can neither be regarded conditional nor absolute contraband, manufactured by Germany. We need them in this country. We have heard what Mr. Metz has said upon the subject. We have received resolution after resolution from firms asking that these goods be released. Why are they not released? What has become of the long-established rule that neutral flags cover enemy goods not contraband? On March 15, 1915, by orders in council Great Britain made this ruling, the most far-reaching of all her rulings, in which she says that any goods of the enemy found on neutral vessels—for example, dyes of Germany on American vessels—will be seized, taken into port, and, if not requisitioned, etc. This same order in council is not limited to goods going to or from Germany, but extends to every vessel on her way to any port other than a German port carrying goods either of enemy property or destined to enemy use. It also extends to all neutral vessels destined to neutral ports that carry goods of enemy origin. This order forbids this country purchasing any goods whatsoever from Germany, no matter what the suffering produced by their want, except upon her permission.

What else has she said in that orders of council of March 15, 1915. Any neutral goods, contraband or noncontraband, found under enemy flags will be seized. What has become of the law that free goods mean a free sea? If it is enemy goods, in enemy vessels, nobody has a question. If it is absolute contraband, under neutral vessels, nobody has a question unless that contraband was going to a neutral country to be applied for its own use. But that is not all.

THE WILHELMINA A TEST CASE.

Here is the vessel *Wilhelmina*, loaded with foodstuffs and consigned to a Mr. Green, an American citizen. Mr. Green accompanies the vessel to Germany. Great Britain says foodstuffs on the *Wilhelmina* are contraband, because it is conditional. In substance she says, "If you send it to Germany, we will seize it, whether it is to be given directly to the armed forces or to the German people, because under a decree of Germany all foodstuffs to reach Germany will be applied by the German Government." The German Government said to us, and we to Great Britain, that this decree does not apply to any goods that go to municipalities, for the order did not cover municipalities. Yet Great Britain seized the *Wilhelmina* because loaded with foodstuffs consigned not to the German

Government nor a German citizen but to an American citizen to see that it went to the civil population. This seizure is made in spite of Britain's position in 1898, cited at the outset of my address, and in the face of our well-known position. In 1904, when Russia wanted to so treat foodstuffs, our own John Hay said, "Articles like coal, cotton, and provisions, though ordinarily innocent, are capable of warlike use, are not subject to capture and confiscation unless shown by evidence to be actually destined for the military or naval forces of a belligerent." How does this comport with the *Wilhelmina*? What has taken place since this seizure? No goods, conditional contraband or free, are admitted into any of the central countries.

Now, you say to me, "Mr. FESS, are you condemning Great Britain for her retaliation upon Germany?" You might as well ask me, "Are you condemning Germany for retaliating upon Great Britain?" Why, my fellow Members of the House, I condemn Germany for her submarine warfare. I also condemn Great Britain for attempting to starve the noncombatants of a nation of 65,000,000 people without regard to sex or age or condition. They are both at fault and both are putting it upon the basis of necessity. You say, "Do you not condemn Germany for what she did in Belgium?" Certainly I do, and likewise I condemn Great Britain for what she is doing in Saloniki, Greece, and what she did, or refused to do, when Japan interfered with the neutrality of China. You say, "Do you not condemn Austria for what she did in extending her influence over Bosnia and Herzegovina and with the prospect of extending it over Serbia?" Why, certainly I condemn it; but I likewise condemn Serbia for keeping within her borders the junta of assassins who murdered their own King and later assassinated an heir to a neighboring country. You say, "Do you not condemn Turkey for her outrages against the Christian Armenians?" Why, certainly. I condemn the Turk with all the force I can command, and I likewise condemn Russia for her brutal treatment of the Jew that is within her borders. These countries are not free from fault. They are in a life and death struggle, and because they are thus endangered some people say that we ought to take sides with one or the other of the belligerents. I deny it. Individual citizens will have their preferences. I have mine. But this Nation must take no sides as between the contestants, and no Congressman should embarrass the country by so doing. If you ask me "What are you going to do about it?" I answer you, "That is no question for any to hesitate about."

The SPEAKER. The gentleman has consumed 50 minutes.

Mr. FESS. It is the question that is asked by one who speaks with a power to resist the rights of the innocent. It is a question of a belligerent which believes itself strong enough to ignore all the rights of a neutral. What I fear—what every man must fear—is this tightening of the ropes which bind us. The meaning is not for to-day, it is for the future. Britain rules the waves. While our contentions with the central powers have not been adjudicated, yet we see the prospect of reparation, so far as it can be made. It is true there can be no full reparation for the cruel submarine warfare; but all our notes to these countries have brought concessions, not satisfactory, it is true, but it ought not be forgotten that England has made not a single concession. Her control is becoming stronger. I shall place in the RECORD our requests and her refusals.

This attitude of the two countries is noted in the case of adopting the declaration of London; of England's answer January 7 and February 10 to our protest of December 26; it is true of her reply February 19 to our memorial of the 10th on the misuse of our flag; it is true in the case of the *Wilhelmina*, which we made a special case; it is true in her reply March 13 to our note of February 20 proposing mutual concessions in naval warfare, to which Germany agreed if England would.

Anyone who closes his eyes to the full meaning of this attitude repudiates the lessons of the past. Her feeling toward us is not very cordial.

Many of the English newspapers are outspoken. The *Globe* assumed an attitude of hostility, in language approaching an insult, when commenting on our note of December 26, 1914:

The voice of the great neutral Nation which seeks to be the final arbiter in civilization is raised for the first time, not on any question of higher morality, but to express impatience at the fact that the greatest war in the history of the world has interfered with the opportunities of American traders to make money out of the necessities of belligerents.

Many of the English public urged the Government to pursue such policy as will in its judgment best aid the allies in their struggles, regardless of the wishes of the United States. Only recently the *Pall Mall Gazette*, discussing American press re-

ports regarding the attitude which the United States may adopt with regard to the blockade question, says:

The British Empire, which is shedding blood and not ink for the vindication of "neutral rights," has reached a stage in the conflict where technicalities will not be allowed to restrain the legitimate use of all its weapons of warfare.

The Evening Standard says:

Germany is now clothed in a white sheet. She and America are joining hands in the noble task of bullying the nation that has respected every law of humanity and has persistently interpreted the law of nations to her own disadvantage.

Poor England! No moral crime can be laid at our doors, but we are interfering with the war profits of American manufacturers, so we must raise our blockade and thus prolong the war, and this is asked in the name of humanity.

There is one comfort for us miserable sinners. President Wilson and Count von Bernstorff will knock at our door in vain.

You ask me, "What are you going to do about it?" I will tell you what I might be willing to do. We may be driven to it here, not because it is our wish or desire, but as a measure to compel respect for our rights, and that is, if Great Britain will not respect our rights as defined in law, I am about ready to vote now to stop all the munitions of war going to her. This at least would raise the question why it is right to sell her weapons of death and wrong to sell the noncombatants of Germany bread for life. [Applause.]

I would not stop munitions to aid Germany. Farthest from it, for I fear the military spirit of that great country. And while I fear the spirit of militaristic Germany, I also fear the navalism of Great Britain, as I feel it now on the sea. I would not vote an embargo on behalf of or against any belligerent, but we may be driven to do it to compel respect for us upon the seas. I am ready now to ask this Congress to adopt a resolution—

Mr. BORLAND. Mr. Speaker, will the gentleman yield for a question?

Mr. FESS. I will.

Mr. BORLAND. I understand, then, that the gentleman's position is that he regards the controversy with Great Britain on an alleged breach of international law as entirely distinct and separate from the controversy with Germany on another alleged breach of international law, and in that respect he agrees with the administration of this country in these various controversies?

Mr. FESS. I would not say that; I will say to my friend from Missouri that at this time I am trying to set forth the situation as it is and permit all to draw their conclusions.

Mr. BORLAND. You agree to the extent that you would not make one conditional upon the other?

Mr. FESS. I agree that when the President had a controversy with Germany on the submarines he could not be expected to link up that controversy with our controversy with Great Britain. They involved different nations as well as different principles; one referred to our property rights and the other to rights of life. I shall ask the House to adopt a resolution to the effect that the American Congress instruct our Committee on Foreign Relations to investigate the violations upon the sea, both by the central powers and the allies, and report the same at once, or as soon as it is possible. This investigation should cover England's interference with our mails. If you would say "What further would you do?" I do not think anything further would need to be done. I think that if we would stiffen our backbone and not take orders from any country outside of our own, we would not have any trouble.

A few months before President Washington went out of office he wrote to that great friend of his, Alexander Hamilton, from Philadelphia:

We are an independent nation, and act for ourselves. Having fulfilled and being willing to fulfill (as far as we are able) our engagements with other nations, and having decided on, and strictly observed a neutral conduct toward the belligerent powers, from an unwillingness to involve ourselves in war . . . we will not be dictated to by the politics of any nation under heaven, further than treaties require of us.

Whether the present or any circumstances should do more than soften this language may merit consideration. But if we are to be told by a foreign power (if our engagements with it are not infringed) what we shall do, and what we shall not do, we have independence yet to seek and have contended hitherto for very little. I commend these words of our first great President, who was at the head of a Nation of 4,000,000 people residing in 16 States east of the Mississippi, for careful consideration by the Nation of 100,000,000 of freemen comprehending a continent with half a hundred empire States.

I am not belligerent. I think, my friends, that all that it is necessary for this country to do, in order that our rights will be respected from every quarter, is to make it clear that we are not taking the position of my friend from Massachusetts [Mr. GARDNER], an ally of any one of the countries, but that we are here in the American Congress, the legislative body of the

first great Republic of the earth; and we are here speaking not for any belligerent, taking sides with no one of the contestants, speaking not for the North, the South, the East, or the West, nor for German-Americans, or Anglo-Americans, but as American citizens we shall cease our bitter partisanship toward individual nations, and shall suppress the foolish prejudices that I hear so frequently, both in public and in private, and raise our voice not for any section or for any particular element of our electorate, but for America, for America's rights on sea and land, for her nobility of purpose as a friend and well-wisher of all the countries now in the throes of war, then we will compel the recognition of our rights in all quarters and by all nations, belligerent or neutral. "Thrice armed is he who hath his quarrel just." War will not come if we stand for our rights. War will come if we shilly-shally. [Prolonged applause.]

Mr. William Bayard Hale has made a partial compilation of vessels detained, which I will print in the Record.

It is impossible to obtain anything like a full list of ships detained and cargoes seized by Great Britain on their voyages between the United States and other neutral countries, but the following list of carefully verified cases may serve to illustrate the methods by which the British Government is strangling American commerce.

The first list includes the cases of 155 vessels brought into British ports or otherwise detained for examination. Of these 40 were forced to discharge their cargoes, which were held for prize-court proceedings. Thirty more were subjected to protracted detention at great loss. One American vessel carrying oil to Copenhagen was run aground by the English prize crew aboard her off the coast of Scotland.

It will be noted that this list does not include cases like that of the *Wilhelmina*, which, when seized by the British, was bound for Hamburg with an innocent cargo, and the *Dacia*, which was seized by the French Navy under British instructions.

Nor does this list include the vessels, 273 in number, recorded by the Government of the United States in an appendix to its note of October 21 as having been detained in the port of Kirkwall alone between March 11 and June 17. The Government list is appended, bringing this merely illustrative record of ships detained up to a total of 428.

From March 11, 1915, to June 16, 1915, 271 vessels carrying American cargoes were compelled to stop at Kirkwall, England.

A PARTIAL LIST OF SHIPS DETAINED.

S. S. *Kumeric* (British): Sailed from Galveston July 17, 1914 (via Newport News July 24), for Bremen. Cargo, 49,000 bushels of grain. Taken to Queenstown August 2; detained at Liverpool August 19.

S. S. *Berwindmoor* (British): Sailed from New Orleans July 21, 1914, for Rotterdam. Cargo, 196,000 bushels of grain. Diverted to Falmouth August 5; at London August 21.

S. S. *Campanello* (British): Sailed from New York July 30, 1914, for Rotterdam. Sent to Cardiff August 12; detained.

S. S. *Spenser* (British): Sailed from New York July 31, 1914, for Rotterdam. Sent to Liverpool.

S. S. *Saint Helena* (British): Sailed from Galveston July 16, 1914 (via Norfolk, Va., July 24), for Bremen and Hamburg. Cargo, phosphate rock, wheat, and cotton. Diverted to Manchester. Cargo seized August 12. Phosphate rock released, as well as part of cotton. Large quantity of cotton and the wheat not released, including 50 bales of cotton shipped by Alexander Spunt & Co., of Houston, Tex., and Bremen; claimed belonging to neutral subjects and as such not subject to seizure; also on ground that contract of sale between American citizens dated May 8, 1914. These goods, including wheat, condemned in prize court.

S. S. *Penlover* (British): Sailed from Galveston July 18, 1914, for Rotterdam. Cargo, 264,000 bushels of grain. Diverted to Falmouth and ordered to London August 15.

S. S. *Kalomo* (British): Sailed from New Orleans July 24, 1914, for Rotterdam. Cargo, 64,000 bushels of grain. Detained at Falmouth; at London August 15.

S. S. *Andijk* (Dutch): Sailed from New Orleans July 30, 1914, for Rotterdam. Cargo, 136,000 bushels grain. Sent to Falmouth for orders; arrived at Rotterdam August 16.

S. S. *Noruega* (Norwegian): Sailed from Galveston July 30, 1914, for Christiania. Cargo, 40,000 bushels grain. Diverted to Falmouth; arrived at Christiania August 26.

S. S. *Orteric* (British): Sailed from Galveston July 27, 1914 (Newport News August 4). Detained at Queenstown August 17; arrived at Liverpool August 21. Cargo for Bremen and Hamburg seized.

S. S. *Nitonian* (British): Sailed from New Orleans July 31, 1914, for Antwerp. Cargo, 142,000 bushels grain. Diverted to Falmouth; arrived at London August 22, at Antwerp September 5.

S. S. *Glenfinlas* (British): Sailed from New Orleans August 1, 1914 (via Norfolk August 7), for Rotterdam. Cargo, 108,000 bushels grain. Diverted to Falmouth August 26; at London September 1.

S. S. *St. Dunstan* (British): Sailed from Galveston August 4, 1914, for Rotterdam. Cargo, 122,400 bushels grain. Diverted to Cork for orders; at Liverpool August 27; at Manchester September 5.

S. S. *Miramichi* (British): Sailed from New York July 3, 1914 (via Galveston July 23), for Rotterdam. Cargo, 16,000 bushels of wheat (part of cargo), shipped by Muir & Co., for Rotterdam, to be delivered to George Fries & Co. in Colmar, Germany, and Gebrueder Zimmermann & Co., Mannheim, Germany. Vessel not permitted to proceed to Rotterdam. Taken to Eastham and cargo consigned to Germany seized. Prize court decided that goods seized were property of the American claimants and not subject to seizure. Ordered released to claimants December, 1914.

S. S. *Klosterfos* (Norwegian): Sailed from New York August 28, 1914, for Christiania. Cargo, flour in barrels. Vessel stopped and boarded by British officers off the north coast of Scotland and ordered to Aberdeen. Held several days until neutral ownership of cargo was established. Arrived at Christiania September 17.

S. S. *Vittalia* (Norwegian): Sailed from New York August 19, 1914, to Rotterdam. Cargo, meat. Detained at Falmouth September 7.

S. S. *Lorenzo* (American, New York and Porto Rico Line): Chartered on August 2, 1914, by Gans Steamship Line. Sailed from New York August 6, 1914, for Buenos Aires. Cargo, coal. Captured by British and taken to St. Lucia September 12. October 16, cargo condemned; October 30, vessel condemned.

S. S. *Helna* (Norwegian): Sailed from Philadelphia August 7, 1914, for St. Thomas. Cargo, coal. Seized September 13 off St. Thomas by French cruiser *Conde*; detained six months; released at Port de France March 20, 1915; reached New York April 15, 1915.

S. S. *Vestfos* (Norwegian): Sailed from New York August 28, 1914, for Christiania. Cargo, flour in barrels. Stopped and boarded by British officers. Taken to Kirkwall; left September 14; arrived Christiania September 17.

S. S. *Ryndam* (Dutch, Holland-America Line): Sailed from New York September 8, 1914, for Rotterdam. Seized by British warship and brought into Cork Harbor September 17; released September 20 at Queenstown. Again held up and ordered by British cruiser (September 21) to enter Falmouth. Arrived at Rotterdam September 24.

S. S. *Amsteldyk* (Dutch, Holland-America Line): Sailed from Philadelphia September 10, 1914, for Rotterdam. Captured by British cruiser and taken to Queenstown September 25; released; arrived at Rotterdam October 12.

S. S. *Rotterdam* (Dutch): Sailed from New York September 15, 1914, for Rotterdam. Cargo, copper. Shippers, American Smelting & Refining Co., United Metals Selling Co., American Can Metal Co., L. Vogelstein & Co., and Norfolk Smelting & Refining Co. Seized September 26, en route while copper was made conditional contraband (absolute contraband only since October 29). Copper bought by Great Britain. Arrived Rotterdam October 12.

S. S. *Stolderijk* (Dutch): Sailed from New York September 9, 1914, for Rotterdam. Cargo, copper. Shippers, American Metal Co. (Ltd.) and L. Vogelstein & Co. Seized September 26, en route while copper was made conditional contraband (absolute contraband only since October 29). Copper bought by British Government. Arrived Rotterdam October 6, 1914.

S. S. *Potsdam* (Dutch): Sailed from New York September 22, 1914, for Rotterdam. Cargo, copper. Shippers, American Smelting & Refining Co., United Metals Selling Co., American Metal Co. (Ltd.), and L. Vogelstein & Co. Seized October 9. Copper bought by British Government. Arrived Rotterdam October 15.

S. S. *Westerdyk* (Dutch): Sailed from Baltimore September 21, 1914, for Rotterdam. Cargo, copper. Shipper, American Smelting & Refining Co. Seized October 9. Copper bought by British Government. Arrived Rotterdam October 18.

S. S. *Beta* (Swedish): Sailed from Philadelphia September 23, 1914, for Helsingborg and Oscarshamn. Detained and taken to Kirkwall for examination October 12. Arrived at Helsingborg October 21.

S. S. *Aquila* (Norwegian): Sailed from New York September 23, 1914, for Christiania, Korsoer, and Copenhagen. Detained at Kirkwall October 12 for examination. Arrived at Copenhagen October 24.

S. S. *Nicholas Cunco* (Norwegian): Sailed from New York September 26, 1914, for Christiania. Detained and taken to Kirkwall for examination October 12. Arrived at Christiania October 19.

S. S. *Noordam* (Dutch, Holland-America Line): Sailed from New York October 6, 1914, for Rotterdam. Cargo of about 13,000 tons consigned to Dutch Government. Wheat, flour, foodstuffs diverted to Falmouth October 15.

S. S. *Leander* (Norwegian): Sailed from New York September 25, 1914, for Copenhagen. Cargo, grain. Arrived at Kirkwall October 17; detained for general inspection; left October 17.

S. S. *Brindilla* (under American flag): Sailed from Bayonne, N. J., on October 13, 1914. Cargo, kerosene for Alexandria, Egypt. Steamer bought by Standard Oil Co. from Riedermann Line and transferred from German to American registry under Underwood amendment to the Panama Canal act of 1914. Seized by British cruiser *Coronia* just outside 3-mile limit off Sandy Hook October 18 and taken to Halifax, Nova Scotia. Submitted to prize court. Released. Left Halifax October 30.

S. S. *Dania* (Danish, Scandinavian-American Line): Sailed from Philadelphia September 26, 1914, for Copenhagen. Cargo, general. Detained about one week at Kirkwall.

S. S. *John D. Rockefeller* (American): Sailed from Philadelphia September 27, 1914, for Copenhagen, Denmark. Captured and taken to Orkney Islands. At Kirkwall October 17. Released upon protest by United States after considerable delay.

S. S. *Prinz der Nederlanden* (Dutch; Royal Dutch West India Mail): Sailed from New York September 4, 1914, for Havre and Amsterdam by way of West Indian and Venezuelan ports. Taken at Falmouth on October 21; arrived at Amsterdam October 26.

S. S. *San* (American oil tank; Sun Oil Co., Philadelphia): Sailed from Philadelphia October 8, 1914, for Amsterdam. Diverted to Falmouth and released on October 25 at request of American Government; arrived at Amsterdam October 29.

S. S. *Marango* (British): Sailed October 10, 1914, for Sweden. Cargo, copper. Shippers, L. Vogelstein & Co. Held at Hull October 25.

S. S. *Ascof* (British): Sailed from New York October 10, 1914, for Genoa. Cargo, copper. Consigned to order, but intended for delivery to Brown, Borari & Co. in Baden, Switzerland.

Shippers:	Tons.
American Smelting & Refining Co.	450
United Metals Selling Co.	500
American Metal Co. (Ltd.)	300
L. Vogelstein & Co.	50
Norfolk Smelting & Refining Co.	40

Total..... 1,340

Held at Gibraltar October 26 and seized; to prize court.

S. S. *San Giovanni* (Italian): Sailed from New York October 14, 1914, for Naples. Cargo, copper. Shippers, American Smelting & Refining Co. Held at Gibraltar October 26. Cargo suspected to be intended for reexport to Germany. Arrived Naples November 5.

S. S. *Regina D'Italia* (Italian): Sailed from New York October 15, 1914, for Naples and Genoa. Cargo, copper; 200 tons consigned to order, but intended for delivery to U. Vedorelli, Milan, Italy. Seized on October 26 at Gibraltar and held for prize court. Cargo suspected to be intended for reexport to Germany. Arrived Genoa November 11.

S. S. *John D. Archbald* (American, tank steamer, Standard Oil Co.): Sailed from New York September 23, 1914, for Italy. Cargo, oil. Held up by French cruiser and conveyed to Antibes, France; detained two days pending decision as to whether cargo was contraband; finally released and allowed to proceed.

S. S. *Prosper III* (Norwegian): Sailed from New York October 3, 1914, for Copenhagen and Gothenburg. Cargo, copper; 1,343,895 pounds of copper, valued at \$166,649, for Copenhagen; 246,361 pounds, valued at \$30,559, for Gothenburg; also foodstuffs and crude rubber. Arrived at Leith October 27; detained at Scottish port and placed before the prize court, copper being suspected for reexport to Germany; arrived at Copenhagen November 12.

S. S. *Security* (American; Standard Oil Co., tug): On or about October 27, 1914, boarded and searched at St. John, New Brunswick, by Canadian soldiers, who detained three German members of the crew. Upon protest of captain men were released, but not allowed to leave Canada.

S. S. *Tyr* (Norwegian): Sailed from New York October 29, 1914, for Sweden. Cargo, copper. Shippers, United Metals Selling Co., L. Vogelstein & Co. Held at Glasgow November 2; arrived Gothenburg December 17.

S. S. *Francisco* (British): Sailed from New York October 17, 1914, for Sweden. Cargo, copper. Shippers, L. Vogelstein & Co. Held at Hull November 2.

S. S. *Uller* (Norwegian): Sailed from Savannah, Ga., October 26, 1914, for Gothenburg. Cargo, cotton. Detained for inspection at Kirkwall and allowed to proceed.

S. S. *Italia* (Italian): Sailed from New York October 24, 1914, for Italy. Cargo, copper. Shippers, American Smelting & Refining Co., United Metals Selling Co., Norfolk Smelting & Refining Co. Held at Gibraltar November 8.

S. S. *Verona* (Italian): Sailed from New York October 24, 1914, for Naples, Genoa, and Palermo. Cargo, copper. Shippers, American Smelting & Refining Co., United Metals Selling Co. Held at Gibraltar November 8.

S. S. *Palermo* (Italian): Sailed from Boston October 20, 1914, to Naples and Genoa. Cargo, copper. Shippers, American Metal Co. (Ltd.); 300 tons; 200 tons of copper consigned to order, but intended for Schweizer Metallwerke, Thonne, Switzerland. Held at Gibraltar November 2; to prize court; arrived November 7 at Naples.

S. S. *San Guglielmo* (Italian): Sailed from New York October 21, 1914, for Naples. Cargo, copper. Shippers, United Metals Selling Co. Held at Gibraltar November 8.

S. S. *Duca di Genoa* (Italian): Sailed from New York October 17, 1914, for Naples and Genoa. Cargo, copper. Shippers, American Smelting & Refining Co. Held at Gibraltar November 8.

S. S. *Antares* (Norwegian): Sailed October 22, 1914, for Sweden. Cargo, copper. Shippers, United Metals Selling Co., L. Vogelstein & Co. Held at Liverpool; arrived at Ardrossan November 9 for Gothenburg.

S. S. *Kroonland* (American): Sailed from New York October 15, 1914, for Italy. Cargo, copper and rubber. Copper shippers, American Smelting & Refining Co., United Metals Selling Co. Held November 8 at Gibraltar; ordered before prize court; arrived Naples November 11.

S. S. *Platuria* (American; entered under American registry in October, 1914, Standard Oil Co.; belonged formerly to Deutsch Amerikanische Petroleum Gesellschaft, controlled by Standard Oil Co.): Sailed from New York October 5, 1914, for Aarhus, Denmark. Cargo, illuminating oil. Seized and taken to Stornoway, Lewis Islands, Scotland.

S. S. *Kiruna* (Swedish; Scandinavian-American Line): Sailed from New York October 25 for Swedish ports. Cargo, general. Detained four days at Kirkwall.

S. S. *Europa* (Italian; La Veloce Line): Sailed from New York October 28, 1914, for Naples and Genoa. Cargo, copper. Shippers, American Smelting & Refining Co. Detained at Gibraltar November 9; alleged contraband; arrived at Naples November 13.

S. S. *Bjornstjerne Bjornson* (Norwegian; Gans Steamship Line): Sailed from New York October 28, 1914, for Copenhagen. Cargo, general. Taken into Kirkwall November 10; left Kirkwall November 15; ordered to Leith November 16; cargo discharged and seized December 21; steamer detained till May 25, 1915.

S. S. *Fridland* (Swedish): Sailed from New York October 28, 1914, for Copenhagen. Cargo, general, including meat. Taken into Kirkwall November 10; left Kirkwall November 27; ordered to Newcastle November 29; cargo discharged January 5, 1915; steamer detained till early in May, 1915.

S. S. *Idaho* (British): Sailed from New York October 24, 1914, for Sweden. Cargo, copper. Shippers, L. Vogelstein & Co. Held at Hull November 10; left Hull November 30 for New York.

S. S. *Perugia* (British): Sailed from New York November 8, 1914, for Italy. Cargo, copper. Shippers, United Metals Selling Co. Held at Gibraltar November 13.

S. S. *Fram* (Norwegian; Gans Steamship Line): Left Charleston, S. C., October 22, 1914, for Danish ports. Cargo, cotton. Taken into Aberdeen November 13; ordered to Hull; left Newcastle December 8; arrived at Nyborg December 18.

S. S. *Jos. W. Fordney* (American; American Exporters' Line): Sailed from New York November 7, 1914, for Copenhagen. Cargo, general. Taken into Falmouth and detained two days, then allowed to proceed.

S. S. *Taurus* (Norwegian): Sailed from New York November 1, 1914, for Italy. Cargo, copper. Shippers, United Metals Selling Co. Held at Glasgow November 13.

S. S. *Tabor* (Norwegian): Sailed from New York October 26, 1914, for Italy. Cargo, copper. Shippers, United Metals Selling Co., Norfolk Smelting & Refining Co. Held at Gibraltar November 13. To prize court. Left Gibraltar November 29.

S. S. *Alfred Nobel* (Norwegian, Gans Steamship Line): Sailed from New York October 20, 1914, for Copenhagen. Cargo, general, including meat. At Lerwick November 7. Left Lerwick November 14. Ordered to Liverpool; cargo discharged and seized November 17. Prize court. Released May 13, 1915.

S. S. *Toronto* (British): Sailed from New York October 31, 1914, for Sweden. Cargo, copper. Shippers, L. Vogelstein & Co. Held at Hull November 15.

S. S. *Sif* (Norwegian): Sailed from New York October 30, 1914, for Gothenburg. Cargo, copper. Four hundred tons sold and consigned to B. Ursells' successors, Stockholm, in order to meet objections to consignments "to order." Held at Glasgow November 18 for prize court. Arrived at Gothenburg December 17.

S. S. *Norheim* (Norwegian): Sailed October 17, 1914, for Italy. Cargo, copper. Shippers, United Metals Selling Co., L. Vogelstein Co. Held at Gibraltar November 18.

S. S. Sigrun (Norwegian): Left New York November 9, 1914, for Gothenburg and Malmoe. Seized November 26 and taken into Newport, England, December 2. Vessel detained pending search for suspected contraband. Cargo held for prize court included, for Gothenburg 560,894 pounds of copper valued at \$70,047; 222 packages crude rubber valued at \$21,414; 1,596 barrels lubricating oil valued at \$8,778. For Malmoe: 1,009,532 pounds of copper valued at \$126,871; 600 barrels lubricating oil valued at \$3,300. For balance of cargo, consisting of oilcake, paraffine, corn oil, oats, cocoa, feed, tea, furs, engines and machinery, sewing machines, and oleo, reshipment allowed. Sailed for Gothenburg January 15, 1915. Arrived Gothenburg January 25. Arrived Malmoe February 16.

S. S. Galileo (British): Sailed from New York November 7, 1914, for Sweden. Cargo, copper. Shippers: L. Vogelstein & Co. Held at Hull November 26. Left Hull December 13 for New York.

S. S. Kim (Norwegian, Gans Steamship Line): Sailed from New York November 11, 1914, for Copenhagen. Cargo, general, including meat. Taken into Falmouth November 27; left December 4. Ordered to Newcastle December 8; cargo discharged and seized January 5, 1915. March 27 prize court ordered payment for cargo. Steamer detained until May 23, 1915.

S. S. Tancred (Norwegian, Gans Steamship Line): Left Port Arthur, Tex., November 13, 1914, for Danish ports. Cargo, cotton. Arrived at Falmouth; detained for inspection November 28. Left November 30. Arrived at Aarhus, Denmark, December 10, where cargo discharged.

S. S. Strinda (Norwegian, Gans Steamship Line): Sailed from New York November 14, 1914, for Copenhagen. Cargo, general. Taken into Falmouth November 29; after inspection allowed to proceed. Left December 3.

S. S. Ran (Norwegian): Sailed from New York November 13, 1914, for Liverpool and Sweden. Cargo, cottonseed products, copper, and leather; part for Liverpool, balance for Gothenburg and Malmoe. Taken into custody by British authorities November 29 and held as a prize; released December 26.

S. S. Sandefjord (Norwegian): Sailed from New York November 27, 1914, for Copenhagen. Cargo, cotton. Prize crew put on board outside of Sandy Hook. Arrived at Halifax November 30. Cargo partly discharged; suspected contraband. Arrived at Kirkwall January 15, 1915. Sailed January 16. Arrived at Copenhagen January 19.

S. S. George Hawley (American, American Exporters' Line; C. H. Sprague & Sons, Boston): Sailed from New York November 15 for Copenhagen. Cargo, general. Taken into Falmouth November 30; gave up ship's papers voluntarily for examination. Reason for detention: None given to master officially. Released January 2, 1915, and proceeded with full cargo to destination. Other circumstances: Master protested in writing on December 5, 1914. Master was verbally informed by customs officers that they would have to hold the vessel on account of the flour, wheat, and oil on board. Later master was simply informed verbally that trouble was because the consignee of the 550 barrels of oil was at that time under suspicion by the British Government. On January 1, 1915, master was told to proceed with his full cargo on board and no excuse or reason given for the 33 days' detention at Falmouth. Damage for detention at charter rates, etc., amounted to \$14,000.

S. S. Canton (Swedish): Sailed from New York November 17, 1914, for Stockholm and Gothenburg. Cargo, copper, 375 tons. Shipper: American Smelting & Refining Co. Held December 1, the Tyne.

S. S. Edward Pierce (American, American Exporters' Line; C. H. Sprague & Son, Boston): Sailed from New York November 24, 1914, for Gothenburg and Copenhagen. Cargo, general. Taken into Falmouth December 8. On December 13 proceeded with full cargo. Master was told verbally he was detained on account of flour and peas on board, although both were consigned direct to parties in Copenhagen. No excuse or reason given for delay. Master was shown a telegram to customs officers reading, "American S. S. Edward Pierce with suspected cargo from New York expected Falmouth about 6th instant. If she comes in send her immediately into harbor. (Signed) F. C. December 3, 6 p. m." Detention premeditated days ahead on mere suspicion. Damage for detention at charter rates, etc., amounted to \$7,000.

S. S. Herm (Norwegian, Gans Steamship Line): Sailed from New York November 12, 1914, for Balboa, Oporto, Lisbon, Genoa, and Barcelona. Cargo, general. Stopped outside Lisbon; ordered to Gibraltar December 8. Released and sailed December 14.

S. S. Maracas (American): Sailed from New York December 9, 1914, for Genoa via Gibraltar and Naples. Brought into Halifax Nova Scotia, by prize crew from British warship December 12. No reason given for detention by officer in charge. Later allowed to proceed to destination upon assurance that cargo not destined to enemy ports. Arrived Genoa January 10, 1915.

S. S. Brindilla (American, Standard Oil Co.): Sailed from Alexandria, Egypt, on or about November 26, 1914. Arrived at St. Michaels, Azores, to take an oil cargo from a German steamer on December 12. Reported leaving St. Michaels December 20 for Copenhagen. Intercepted off the coast of Scotland and taken to Aberdeen. (Second seizure.)

S. S. Tellus (Norwegian): Sailed from New York November 18, 1914, for Genoa. Cargo, 200 tons of copper; sold and consigned to U. Vedorelli, Milan. Seized and held at Gibraltar. Arrived Genoa December 28.

S. S. A. A. Raven (American): Sailed from Wilmington, Del., December 5, 1915, for Rotterdam. Cargo, cotton. (First steamer since war to reach Dutch port with cotton for Germany.) Arrived at Rotterdam December 24, 1914. Held up by British warship in channel; delayed 24 hours for examination of papers.

S. S. Mirjam (Norwegian): Sailed from New York November 24, 1914, to Copenhagen. Detained at Kirkwall December 16. Released January 15, 1915.

S. S. Sorland (Norwegian): Sailed from New York November 27, 1914, for Gothenburg. Cargo, 600 tons copper. Arrived at Leith December 27. Detained. Arrived at Gothenburg January 22, 1915.

S. S. New Sweden (Swedish): Sailed from New York December 6, 1914, for Sweden. Cargo, copper. Shippers: American Smelting & Refining Co. Arrived at Kirkwall December 21. Held at Shields December 28. Sailed January 10, 1915. Arrived Gothenburg January 13.

S. S. Ramsdal (Norwegian): Sailed from New York November 28, 1914, for Christiania. Taken to Kirkwall December 21. Arrived at Leith December 24 in charge of a prize crew. Arrived at Christiania February 8, 1915.

S. S. Zamora (Swedish): Sailed from New York December 8, 1914, for Copenhagen. Cargo, copper. Arrived at Kirkwall December 29. Arrived at Copenhagen January 11, 1915.

S. S. Kentucky (Danish): Sailed from Baltimore November 24, 1914, via New York for Copenhagen. Detained at Kirkwall December 16. Arrived at Leith December 29; 714 tons of meat consigned to Denmark thrown into prize court. Arrived at Copenhagen February 2, 1915.

S. S. Virginia (Danish): Sailed from Philadelphia December 3, 1914, for Copenhagen. At Kirkwall December 23. Arrived at Shields December 30, 1914.

S. S. Greenbrier (American, C. L. Dimon, New York): Sailed from New Orleans December 11, 1914 (via Norfolk December 17), for Bremen. Cargo, cotton; under certificate of British consul at New York. Stopped on December 30 by British cruiser; boarded and searched. British flag hoisted and taken to Kirkwall. Detained three days and then taken to Leith and allowed to proceed to Bremen. Arrived at Bremen January 9, 1915.

S. S. Tula (American; Crucible Steel Co.): Sailed from New York December 1, 1914, for Copenhagen. Cargo, grain and flour. Seized by the British and detained at Leith. Upon investigation as to ultimate destination of cargo permitted to proceed on December 31. Sailed January 7, 1915, and arrived at Copenhagen January 11.

S. S. Helig Olav (Danish; Scandinavian-American Line): Sailed from New York December 3, 1914, for Christiansand and Copenhagen. Boarded at Kirkwall by British marines and detained eight days pending investigation as to character of cargo. Arrived at Copenhagen December 23, 1914.

S. S. Arkansas (Danish; chartered by Gans Steamship Co.): Sailed from New York December 11, 1914, for Copenhagen. Cargo, meat. Arrived at Shields, in charge of a prize crew, January 2, 1915. Arrived at Copenhagen January 22.

S. S. Augusta (Swedish): Sailed from New York December 9, 1914, for Gothenburg and Malmoe. Taken to Kirkwall. Arrived at Newcastle January 4, 1915, in charge of a prize crew. At Hartlepool January 10. Arrived at Gothenburg February 1.

S. S. Oncka (British): Sailed from New York January 2, 1915, for Piraeus, Greece. Cargo, American oil (Standard Oil Co.), partly for Bulgaria and Greece. Detained at Malta, being suspected delivery to Turkey.

S. S. Denver (American; Mallory Steamship Co., New York): Sailed from Norfolk December 23, 1914, for Bremen. Cargo, cotton, loaded under supervision of British consul at Norfolk. Detained January 6, 1915, at Kirkwall. Released on representation.

S. S. Governor (American; Pacific Coast Co., New York): Detained by Canadian customs officials January 13, 1915, at Vancouver, British Columbia. Cargo, hides for San Francisco, Cal. Released after unloading hides.

S. S. Oscar II (Danish): Sailed from New York February 4, 1915, for Christiania and Copenhagen. Taken into Kirkwall and held for examination as to her cargo. Arrived at Copenhagen February 20.

S. S. Vittalia (Norwegian): Sailed from New York February 3, 1915, for Rotterdam. Cargo, packing products. Taken into Falmouth February 20. Released after cargo was consigned to Netherlands Oversea Trust.

S. S. Antilla (American; New York & Cuba Mail Steamship Co.): Sailed from New York February 9, 1915, for Malmoe and Copenhagen. Cargo, cattle food of various kinds. On February 24 stopped by British cruiser when in latitude 59-58 N. longitude 9-14 W. No reason given. British cruiser ordered vessel to proceed to Kirkwall with a prize crew on board, after four hours' detention while examining ship's papers. On March 9 was taken by British prize crew to Dundee. March 23 Admiralty discharged part of cargo in Dundee and released the balance. On April 27 vessel was allowed to proceed with remainder of cargo. Alleged damage to vessel for detention, etc., amounted to \$98,000. Certified to both by Danish and British consuls.

S. S. Platuria (American registry; controlled by Standard Oil Co.): Sailed from Philadelphia February 13, 1915, for Malmoe and Helsingborg. Detained at Kirkwall March 2.

S. S. Pass of Balmha (American): Sailed from New York January 30, 1915, for Bremen. Cargo, cotton. Detained at Kirkwall March 8. Released after inspection. Arrived at Bremen March 31.

S. S. Vigilancia (American; Walker, Armstrong & Co., Savannah): Sailed from Savannah, Ga., February 22, 1915, for Bremen. Cargo, cotton. Intercepted at sea by British cruiser; taken into Kirkwall. Arrived at Kirkwall March 8. Arrived at Bremen March 15.

S. S. Grekland (Swedish): Sailed from New York February 18, 1915, for Gothenburg. Cargo, American meat products. Held in Kirkwall from March 10 because destination of cargo suspected. Released and sailed April 1 for Gothenburg.

S. S. A. A. Raven (American): Sailed from New York February 13, 1915, for Rotterdam. Cargo, meat. Held at Deal March 12. Reconsigned to the Netherlands Oversea Trust. Arrived at Rotterdam April 2.

S. S. Spyros Vallianos (Greek): Sailed from Savannah, Ga., March 10, 1915, for Rotterdam. Cargo, cotton. Detained at Falmouth.

S. S. Livonia (Danish): Sailed from Galveston March 20, 1915, for Aalborg and Copenhagen. Held at Falmouth April 14; Bristol, May 6, pending settlement of price of cotton cargo.

S. S. Seguranc (American): Sailed from New York on March 9 for Holland. Cargo, general. Consigned to consignees in Holland. Detained by the British in April. The Department of State protested against the detention of the *Seguranc*, stating that the shipper's manifest showed that the entire cargo was consigned to Dutch consignees and was accompanied by a certificate from the British consul general at New York, and that the loading of the vessel, moreover, had been supervised by the British consul general's inspector. The United States Government could not admit the right of the British Government to require that this cargo be reconsigned to the Netherlands Oversea Trust.

S. S. Ogcechee (American): Sailed from Bremen April 4, 1915, for New York. Arrived at Sharpness April 18. Cargo confiscated as being of German origin. Sailed for New York May 1. Arrived May 18.

S. S. Southerner (Danish): Sailed from Charleston, S. C., March 31, 1915, for Rotterdam. Cargo, cotton. Detained at Falmouth pending negotiations by Great Britain for the purchase of cotton on board. Arrived at Rotterdam April 28.

S. S. Giovanni (Italian): Detained, but allowed to proceed on April 20, 1915, without discharging her cargo.

S. S. Kelbergen (Dutch): Sailed from New York April 20, 1915, for Rotterdam. Taken into Kirkwall. Innocence of cargo established and released.

S. S. Marie (Swedish): Sailed from Galveston, Tex., March 13, 1915, for Malmoe, Sweden. Arrived at Clyde in charge of prize crew. Was stopped on suspicion regarding destination of cargo.

S. S. Athinal (Greek): Sailed from New York May 16, 1915, for Palermo and Piraeus. Arrived and seized at Gibraltar May 29. Permitted to proceed after discharging 400 bales of cotton and 1,200 reels of barbed wire. Placed before prize court, charge being destination for Germany.

S. S. Gargoyl (American; Vacuum Oil Co.): changed from German to American registry: Sailed from New York May 10, 1915, for Alexandria. Cargo, bulk oil. Reported at Malta May 31. Seized by British authorities and prize-court writ issued.

S. S. F. J. Lisman (American): Sailed from New York May 23, 1915, for Rotterdam. General cargo, consigned to Netherlands Oversea Trust. Held at London June 8 and 1,000 barrels of phosphate removed for disposition by prize court.

S. S. Portland (American): Sailed from San Francisco April 25, 1915, for Stockholm (via New York). Cargo, general. Detained at Kirkwall June 16. Taken to Blyth June 19, where 34 tons of dried fruit were sent to prize court. Arrived at Stockholm July 8.

S. S. Varing (Swedish): Sailed from Savannah, Ga., May 30, 1915, for Swedish ports. Cargo, general. Detained at Kirkwall June 19.

S. S. Bergensfjord (Norwegian): Sailed from New York June 12, 1915, for Bergen. Cargo, general. Taken to Kirkwall June 21. Arrived at Bergen June 24.

S. S. Nor (Norwegian): Sailed from New York June 5, 1915, for Rotterdam. Held in the Downs for examination of cargo June 28.

S. S. Muskogee (American): Sailed from New Orleans June 7, 1915 (Newport News, June 14), for Gothenburg. Taken into Kirkwall July 5 and released July 7, for Gothenburg. Arrived July 9.

S. S. Bratland (Norwegian): Sailed from Baltimore June 15, 1915, for Aalborg, Denmark. Taken into Kirkwall July 6. Arrived at Aalborg July 12.

S. S. Janna (Norwegian): Sailed from San Francisco March 4, 1915, for Bergen, Norway. Cargo, grain. Taken into Kirkwall July 8. Arrived at Bergen July 19.

S. S. Gurra (Danish): Sailed from Baltimore July 1, 1915, for Aalborg, Denmark. Taken into Kirkwall July 19. Released July 23 and sailed for Aalborg and Randers.

S. S. Hulda Maersk (Danish): Sailed from Savannah, Ga., July 10, 1915 (Norfolk, July 13), for Malmoe. Cargo, cotton seed. Detained at Kirkwall. Arrived at Malmoe August 12.

S. S. Neches (American): Sailed from Rotterdam to the United States. Cargo, general. Detained at the Downs and brought to London, where cargo was discharged. The United States Government, July 15, 1915, made vigorous protest against the detention of the vessel and the unloading of the cargo, which was the property of American citizens, at London.

S. S. Buffalo (British): Sailed from New York August 18, 1915, for Christiania. Cargo, Hacksaws. Arrived at Hull September 5. Thrown into prize court on the assertion that cargo was bound for Germany.

S. S. Vitahia (Norwegian): Sailed from New York August 19, 1915, for Rotterdam. Cargo, meat. Detained at Falmouth, September 7, and thrown into prize court, the British Government's contention being that there were fats and oils in the cargo not consigned to the Netherlands Oversea Trust.

S. S. Corning (American; Standard Oil Co.): Sailed from Baton Rouge, La., August 17, 1915, to Malmoe. Cargo, refined petroleum and naphtha. Detained at Kirkwall September 7. Standard Oil Co. placed the case in the hands of the American Government. Released. Arrived at Malmoe September 28.

S. S. Oscar II (Swedish): Sailed from New York September 9, 1915, for Christiansand. Taken to Kirkwall. Sailed September 21.

S. S. Louisiana (Danish): Sailed from New York September 15, 1915, for Copenhagen. Arrived at Kirkwall "prior to October 1, 1915," and sent to Aberdeen to discharge part of her cargo.

S. S. United States (Danish): Sailed from New York August 26, 1915, for Copenhagen. Cargo, general. Had unloaded at Copenhagen when British Government ordered her to reload and to take cargo back to England under penalty of seizure.

S. S. Helsingborg (Swedish): Sailed from Port Arthur, Tex., August 28, 1915, via Norfolk for Aarhus, Denmark. Cargo, cotton seed. Detained at Kirkwall September 28. Arrived at Blyth October 3.

S. S. California (Danish): Sailed from New York August 31, 1915, for Christiania. Cargo, general. Detained September 29 at Leith.

S. S. Absalom (Danish): Sailed from Philadelphia September 12, 1915, for Copenhagen. Detained at Kirkwall.

S. S. Origin (Norwegian): Sailed from New York September 14, 1915, for Kirkwall and Vallo. Detained at Kirkwall.

S. S. Petrolite (American; Standard Oil Co.): Sailed from Philadelphia September 15, 1915, for Copenhagen. Detained at Kirkwall September 29. Arrived at Copenhagen October 8. (Had been previously detained by British authorities and released August 17, 1915.)

S. S. St. John (Swedish): Sailed from Baltimore September 12, 1915, for Gothenburg. Detained at Kirkwall. Arrived at Gothenburg October 8.

S. S. Ester (Swedish): Sailed from Port Tampa, Fla., September 5, 1915, for Newport News and Malmoe. Detained at Kirkwall September 30.

S. S. Frederick VIII (Danish): Sailed from New York September 22, 1915, for Copenhagen. Cargo, bacon. Ordered to unload at Kirkwall September 30.

S. S. Osman (Swedish): Sailed from New Orleans September 11, 1915, via Norfolk for Copenhagen. Arrived at Kirkwall October 6. Released. Arrived at Copenhagen October 12, 1915.

S. S. Conrad Mohr (Norwegian): Sailed from Baton Rouge, La., September 15, 1915, via Norfolk, for Bergen. Arrived at Kirkwall October 7. Released. Arrived at Bergen October 11.

S. S. Fram (Norwegian): Sailed from Baltimore September 18, 1915, for Vaksdal. Arrived at Kirkwall October 7. Released. Arrived at Bergen October 11, 1915. Second seizure.

S. S. Aladdin (Norwegian): Sailed from New York September 21, 1915, for Stockholm. Brought to Kirkwall October 7. Released.

S. S. Orion (Swedish): Sailed from Philadelphia September 22, 1915, for Stockholm. Cargo, coal. Brought into Kirkwall October 10. Released October 14.

S. S. Virginia (Danish): Sailed from New York September 25, 1915, for Christiania and Copenhagen. Cargo, general. Taken to Kirkwall October 10. Taken to Grimsby October 19. To prize court.

S. S. Meisano (Norwegian): Sailed from New Orleans September 24, 1915, for Christiania and Copenhagen. Cargo, general. Detained at Kirkwall. Sailed October 12, 1915, for Christiania.

S. S. Hooking (American; formerly Danish, purchased and transferred by American Transatlantic Steamship Co. to American registry July 31, 1915): Objected to by British alleging that she was purchased with German capital. Sailed from New York October 29, 1915, for

Norfolk. Seized by British cruiser and taken to Halifax, N. S., October 31, in charge of prize crew conveyed by British warships. In charge of Admiralty Court.

S. S. Hamborn (Dutch; Munson Line): Sailed from New York October 27, 1915, for Cuba. Cargo, general. Halted 85 miles from New York by British cruiser. Taken to Halifax, N. S., October 31, by prize crew, conveyed by British warships. In charge of Admiralty Court.

S. S. Llana (American; Standard Oil Co.; formerly German, transferred to American registry): Sailed from New York October 14, 1915, for Copenhagen. Cargo, oil. Seized by British prize crew and afterwards run aground (October 31) on Skae Skerries, Westray Firth, Scotland.

S. S. Athamas (Greek): Sailed from Galveston October 15, 1915 (Norfolk October 24), for Rotterdam. Seized and taken into British port November 18.

Andrew Welch (American bark; George W. McNear, San Francisco): Sailed from San Francisco August 19, 1915, for Hvalstad, Sweden. Cargo, beans. Boarded by British crew off the Shetland Islands and ordered into Lerwick. On account of storms carried toward Norway and towed into Christiansand by *S. S. Russland* November 17.

S. S. Zealandia (American): Sailed from Tampa September 15, 1915, for Sweden. Cargo, rosin, hides, rubber. Arrived at Pensacola September 27; left for Tampico October 3; arrived at Progreso October 25 bound for Malmoe, Sweden. Boarded and searched by British crew, according to captain, within 3-mile limit. Steamer still remains at Progreso on account of fear of capture.

S. S. Kristianiafjord (Norwegian): Sailed from New York November 6, 1915, for Bergen and Christiania. Cargo, general. Detained at Kirkwall; arrived at Bergen November 21. Compelled to return to England 6,000 cases of American pork, 1,800 bags of coffee, the ultimate destination of which having been questioned by British authorities.

S. S. Genesee (American; owned by American Transatlantic Co., New York): Sailed from New York October 11, 1915. Left Norfolk October 14 with cargo of coal for Montevideo. Seized and boarded by British prize crew. Ordered to St. Lucia November 20.

Statement of Secretary Lansing regarding vessels detained by British authorities:

SEPTEMBER 10, 1915.

(1) Vessels whose cargoes and papers have been of such a character as to require but brief time for examination have been held in British ports, according to this Government's information, for prolonged periods, in some instances for more than a month, and then released without the institution of prize-court proceedings.

The steamer *Chester*, which sailed from Baton Rouge for Rotterdam with a cargo of illuminating oil, was taken into Falmouth, September 21, 1914, and held until November 4 of that year.

The steamer *Ocean*, carrying the same kind of a cargo, from New York to Rotterdam, was taken into Plymouth September 23, 1914, and similarly released November 5.

The steamer *Charlois* and the steamer *New York*, carrying similar cargoes, were taken into British ports on September 30 and October 12, 1914, respectively, and similarly released on October 27.

The steamers *American* and *Rotterdam*, carrying cargoes of oil to Rotterdam, were also detained under conditions similar to those of the vessels just mentioned in the fall of 1914.

The steamer *Christian Knudsen*, carrying a cargo of oil in bulk, consigned to a Danish corporation in Copenhagen, was brought into the port of Kirkwall, detained for 11 days, and then released.

Vessels carrying oil from the United States to long-established markets in Scandinavian countries have repeatedly been detained without being sent to the prize court for adjudication. Among them may be mentioned the *Brindilla*, the *Platuria*, the *Wico*, the *Polarine*, the *Pioneer*, the *Llama*, the *Muskogee*, and the *John D. Rockefeller*.

The steamer *Denver*, which carried a full cargo of cotton from Norfolk to Bremen and which had been loaded under the supervision of a British consular officer, was taken into Kirkwall in January last, as the department was informed by the British Government, just to examine her papers and to verify her cargo.

The *George W. Hawley* was held for a month because she refused to comply with a requirement of the British authorities to discharge a single shipment, the illegal destination of which does not appear to have been disclosed by any evidence. The vessel carried a mixed cargo, including a shipment of oil. The British authorities insisted that the vessel should discharge the oil, which, the shipper represented, was consigned to one of its long-established agents in Sweden. Finally, it was announced that the vessel would be released as an act of grace.

The steamer *Wico* was held by the British authorities last March. This Government was advised that the British minister at Stockholm had informed the Swedish foreign office that the vessel had arrived in a British port with a full cargo of oil for a concern in Stockholm, and that, in view of the recent seizure by a German man-of-war of the steamship *Bryssel* and her cargo, the British Government required complete assurances from the Swedish Government before the *Wico* could be allowed to proceed to destination that she would not share the fate of the *Bryssel*.

Subsequently this Government was informed that the vessel had been allowed to proceed, but that the British Government felt that, in the event of further cargoes going to Stockholm being seized by German ships, the whole question of permitting oil cargoes to proceed to that destination would have to be seriously reconsidered.

The steamer *Llama*, carrying a cargo of oil to a Scandinavian port, was taken into Kirkwall and subsequently released on June 5 last. After departing from Kirkwall the ship was again arrested on June 6, and although the officer of the war vessel which seized the *Llama* apparently was shown the ship's release papers, he placed a prize crew on board and ordered the vessel to Aberdeen and thence to Leith, where she was finally released on June 12, although she could not proceed until June 15, owing to a shortage of coal.

(2) Vessels have been held until they have reconsigned their cargoes to a consignee in a neutral country designated by the British Government.

The steamer *Seguranca*, which carried a general cargo from New York to the Netherlands, was detained at a great loss to the owners of the vessel and to the shippers in a British port for the greater part of last April, in order that her cargo might be reconsigned to the Netherlands Oversea Trust. The manifest showed that the entire cargo was consigned to named consignees in the Netherlands and was accompanied by a certificate of the British consul general in New York, stating that the loading was supervised by his inspector and that the vessel contained no cargo other than that specified in the manifest. A large

part of the cargo, consisting of fresh fruit stored in the hold of the vessel, was subject to decay with great rapidity.

A similar requirement was imposed on the steamer *F. J. Lisman*, which during last June was detained at London. It appears that, after a prolonged detention of the ship of over a month, representatives of the shippers were compelled to discharge both contraband and non-contraband articles, and that the captain and the shippers, finding their efforts to comply with the requirements of the British authorities hopeless, abandoned the voyage.

The steamers *A. A. Raven* and *Vitalia*, carrying articles listed as conditional contraband, were detained in a British port in March last until the goods shipped to specified consignees in Holland could be consigned to the Netherlands Oversea Trust.

The steamer *Neches* was detained last May for about two weeks in order that a shipment of cotton destined for Rotterdam might be consigned to the Netherlands Oversea Trust.

The steamer *Zzandjik* was detained last June, as the department was informed, while the British minister at The Hague made inquiries as to whether the Netherlands Oversea Trust had accepted the consignment of the cargo.

(3) Detentions have been made without evidence amounting to probable cause.

The steamer *Annam*, which was detained at Kirkwall last April, carried a cargo of food products from the United States to Swedish ports. She was detained owing to a "suspicion," as the British Government stated, that a part of its cargo was destined for Germany.

The steamer *Dronning Olga* was detained at Kirkwall in April last and the cargo, which consisted of cotton and food products, was placed in the prize court on the ground, as the department was informed by the British Government, that it was "believed" that it was ultimately destined for Germany.

The steamer *Hilding*, which sailed from New York for Copenhagen with a general cargo consisting largely of food products, was seized and taken into Leith last April, and this Government was informed that the cargo had been seized as contraband with the expectation of holding it under the order in council of March 11, 1915, if the charge that the goods were contraband should fail.

Numerous similar instances might be cited.

The steamers *Christian Knudsen* and *Platuria*, carrying oil from New York to Denmark, were detained by the British authorities last fall, taken into British ports, and held until the British Government, as they stated, could make an investigation as to the destination of the cargoes. Furthermore, this Government was informed that the vessels had been detained pending the receipt of guaranties from Denmark against the exportation of the cargoes and that the orders were given for the release of the vessels on the receipt of satisfactory guaranties.

The steamer *Brindilla*, which sailed from New York October 13 last, with a cargo of oil for Alexandria, was taken into port at Halifax and later released, as the department was informed, when the British authorities received information that the ship's cargo was expected at Alexandria.

The steamer *Ambra* was taken into a British port in July last, and this Government was informed that this vessel was held pending inquiries that had been instituted concerning destination of certain items of her cargo. About a week later the vessel was allowed to proceed.

In July last this Government was informed by the British Government that the prolonged detention of the oil steamers *Polarine*, *Platuria*, and *Pioneer* was due to the fact that His Majesty's Government's attention had latterly been drawn to the very large quantities of oil which had been shipped to Scandinavian countries during the last few months; that there had been every reason to suspect that some of the oil was destined for enemy countries; and that the arrival of the steamers in quick succession necessitated the institution of inquiries as to the ultimate destination of the oil.

The owners of these vessels and their cargoes complained to the Government of the United States against their detention, stating that the vessels carried the usual cargoes consigned in good faith to long-established subsidiaries in neutral countries, and further representing that, since supplies from Russia and Roumania had been prevented from entering Scandinavian ports, a large increase of business with them had been expected, but it had been found that during the first five months of the year 1915 total shipments of all petroleum products to these countries were less than for the same period last year, although less in previous years had steadily increased.

(4) Vessels have been held, according to statements of the British Government, because of the manner in which shipments have been consigned.

The steamer *Elnerjarl* was brought into Kirkwall last May and its cargo of cottonseed cake, shipped from Newport News to Denmark, which the shippers represented was to be used exclusively for consumption in Denmark, was seized. This Government was informed that the cargo was discharged because it was consigned "to order."

The steamers *Alfred Nobel*, *Bjornstjerne Bjornsen*, and *Friedland* were seized last autumn because their cargoes were consigned "to order."

The shipments on the steamers *America* and *Artemis* have been placed in prize court under the order in council of March 11, 1915, because, the goods being consigned by the shippers to themselves, there was no guaranty of their ultimate destination.

(5) Goods have been seized by the British Government on the ground, as this Government has been informed, that the country to which they were shipped had not prohibited their export.

In the fall of the year 1914 copper shipped from the United States to Sweden on the steamers *Francisco*, *Antares*, *Idaho*, *Tyr*, and *Toronto* was seized by the British authorities, because, as the British Government stated, the Swedish Government had not yet prohibited the reexportation of copper from Sweden.

A consignment of rubber on the Swedish ship *Zamore* had been placed in prize court last January, because, as the British Government stated, of the absence of a comprehensive prohibition on the exportation of rubber in all its forms from Denmark.

(6) The British authorities have repeatedly seized articles classified as contraband articles classified as conditional contraband, as well as noncontraband goods, shipped to Scandinavian countries, to the Netherlands, and to Italy, then neutral, although the reexportation of such commodities from these countries had been forbidden.

In December last the steamer *Tellus* was ordered to discharge a shipment of copper shipped from New York directly to a consignee in Milan, Italy, although by an Italian decree of November 13, 1914, the exportation of goods shipped in this manner was forbidden.

The steamer *Joseph W. Fordney* was seized 4 miles off the coast of Norway and, in charge of a prize crew, brought into Kirkwall April 8 last. The ship's manifest showed that the cargo consisted entirely of cattle fodder consigned to a person in Malmo, Sweden. It appeared

from information presented to this Government that an affidavit regarding the character and destination of the cargo, made by the shipper of the entire cargo, was attached to the bill of lading, and that this affidavit contained a certification by the British consul general and the Swedish consul, and also a statement by the latter to the effect that the exportation from Sweden of the goods of which the cargo consisted was prohibited. The vessel was brought into a British port and her cargo discharged. This Government was informed by the British Government that, apart from the uncertainty of the address of the consignee of the cargo of this vessel, His Majesty's Government had evidence that the cargo was not destined for bona fide Swedish consumption, but was intended for Germany.

Numerous other similar instances might be cited, including those of the detention of vessels carrying oil to Scandinavian ports which have been mentioned.

(7) Detentions have been made pending assurances that embargoed goods would be allowed to pass through a neutral country to Great Britain's allies.

The steamer *Leclanaw*, which carried a cargo of cotton from Galveston to Gothenburg for transshipment to Moscow, was detained in a British port early in June last. Relative to the detention of this vessel the British Foreign Office said:

"In view of the fact that cotton has now been placed on the Swedish prohibition of export list, His Majesty's Government have not considered it advisable to allow this large cargo to go on to Gothenburg until they are assured that there is a fair chance of it reaching its declared ultimate destination."

After nearly a month's detention the vessel was released on the understanding that she should proceed directly to Archangel.

The steamers *Jentland* and *Syrus* appear to have been recently detained under circumstances similar to those of the steamer *Leclanaw*.

(8) From time to time this Government has been informed of the seizure of cargoes on the ground that consignees have been known to trade with the enemy or because they were suspected of doing so.

In January last this Government was advised by the British Government that the British Government had been compelled to place in prize court a consignment of rubber on board the Swedish vessel *Zamora*, the consignee of these goods being regarded with grave suspicion, and there being reason to believe that the ultimate destination of the rubber was the enemy forces.

(9) Vessels have been seized and brought into port and have been required by the British authorities to pay pilotage, harbor, unloading, warehouse, storage, or other dues, costs, and expenses in advance of a judicial determination of the validity of the seizure of vessel or cargo.

Instances of such treatment of vessels may be found in the cases of the detention of the steamer *Neches* last May, the *Ogechee*, which was seized last April, and the *Antilla*, which was seized in February last and subjected to a prolonged detention. In the case of the last-mentioned ship it appears, however, that the cost of discharging was borne by the British Government.

(10) Detention of vessels proceeding from European ports.

The steamer *Ogechee*, which left Bremen April 3 last for the United States, was detained at Sharpness and compelled to discharge its entire cargo, which consisted of approximately 200 shipments of goods urgently needed by American citizens. In most, if not all, cases it appears that ownership of these goods at the time of the seizure had passed to American consignees. In many instances American citizens had contracted for the sale of the goods consigned to them and were prevented from carrying out their contracts.

The release of shipments on the vessel has been allowed on the production of proofs of American ownership of the goods prior to March 11, 1915. American consignees in order to avoid loss have endeavored to comply with the requirements in the presentation of proofs.

The steamer *Neches*, which sailed from Rotterdam to the United States, was brought to London and compelled, in June last, to discharge cargo on the ground, apparently, that the goods originated partly in Belgium. The vessel was detained about a month and, after having been damaged to the extent of approximately £1,500 as a result of a collision with another vessel while under the control of the British Admiralty, and after having been involved in litigation growing out of such collision, was allowed to proceed.

The following is a list of the vessels detained prior to March 11 last, among which are some regarding the detention of which details have been briefly stated in this memorandum:

Platuria, *Brindilla*, *John D. Rockefeller*, *Kroonland*, *Noorham*, *Rotterdam*, *Sandefjord*, *Thomas J. Fordney*, *Fram*, *Edvard Pierce*, *Ellen Tellus*, *Sif*, *Kim*, *Canton*, *Ogechee*, *Friedland*, *Gallileo*, *Ullcr*, *Verona*, *Zuiderdijk*, *Greenbrier*, *Herm*, *Arkansas*, *Ascot*, *Carolyn*, *Breiford*, *Bergensfjord*, *Bjornstjerne Bjornsen*, *Ida Cuneo*, *Kentucky*, *General Minetanka*, *General Caloric*, *Denver*.

Mr. Speaker, I shall print in the RECORD the document on the naval warfare, compiled by Prof. Shepherd, of Columbia University:

THE PROTECTION OF NEUTRAL RIGHTS AT SEA.

The declaration of London, chapter 2—Contraband of war. (At the naval conference called together by Great Britain at London the declaration was signed, Feb. 26, 1909, by all of the powers represented; seven of the present belligerents, viz, Great Britain, France, Russia, Japan, Italy, Germany, and Austria-Hungary, and three of the neutral nations, viz, the United States, Spain, and Holland. Later, chiefly because of British opposition to the articles defining contraband of war, it failed of ratification. Lawrence, Documents Illustrative of International Law, 351, note.)

CONTRABAND OF WAR.

Article 22.

The following articles may, without notice, be treated as contraband of war, under the name of absolute contraband:

- (1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
- (2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
- (3) Powder and explosives especially prepared for use in war.
- (4) Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
- (5) Clothing and equipment of a distinctively military character.
- (6) All kinds of harness of a distinctively military character.
- (7) Saddle, draft, and pack animals suitable for use in war.
- (8) Articles of camp equipment, and their distinctive component parts.

- (9) Armor plates.
 (10) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
 (11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

Article 23.

Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other powers or to their representatives accredited to the power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral powers.

Article 24.

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice, be treated as contraband of war, under the name of conditional contraband:

- (1) Foodstuffs.
- (2) Forage and grain, suitable for feeding animals.
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
- (4) Gold and silver in coin or bullion; paper money.
- (5) Vehicles of all kinds available for use in war, and their component parts.
- (6) Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.
- (7) Railway material, both fixed and rolling stock, and material for telegraphs, wireless telegraphs, and telephone.
- (8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
- (9) Fuel; lubricants.
- (10) Powder and explosives not specially prepared for use in war.
- (11) Barbed wire and implements for fixing and cutting the same.
- (12) Horseshoes and shoeing materials.
- (13) Harness and saddlery.
- (14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Article 25.

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of article 23.

Article 26.

If a power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of article 23.

Article 27.

Articles which are not susceptible of use in war may not be declared contraband of war.

Article 28.

The following may not be declared contraband of war:

- (1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
- (2) Oil seeds and nuts; copra.
- (3) Rubber, resins, gums, and laces; hops.
- (4) Raw hides and horns, bones, and ivory.
- (5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
- (6) Metallic ores.
- (7) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
- (8) Chinaware and glass.
- (9) Paper and paper-making materials.
- (10) Soap, paint, and colors, including articles exclusively used in their manufacture, and varnish.
- (11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.
- (12) Agricultural, mining, textile, and printing machinery.
- (13) Precious and semiprecious stones, pearls, mother-of-pearl, and coral.
- (14) Clocks and watches other than chronometers.
- (15) Fashion and fancy goods.
- (16) Feathers of all kinds, hairs, and bristles.
- (17) Articles of household furniture and decoration; office furniture and requisites.

Article 29.

Likewise the following may not be treated as contraband of war:

- (1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned if their destination is that specified in article 30.
- (2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

Article 30.

Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.

Article 31.

Proof of the destination specified in article 30 is complete in the following cases:

- (1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.
- (2) When the vessel is to call at enemy ports only, or when she is in touch at any enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

Article 32.

When a vessel is carrying absolute contraband her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

Article 33.

Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a Government department of the enemy State, unless in this latter case the circumstances show that the goods can not in fact be used for the purposes of war in progress. This latter exception does not apply to a consignment coming under article 24 (4).

Article 34.

The destination referred to in article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country, who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise the destination is presumed to be innocent.

The presumptions set up by this article may be rebutted.

Article 35.

Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

Article 36.

Notwithstanding the provisions of article 35, conditional contraband, if shown to have the destination referred to in article 33, is liable to capture in cases where the enemy country has no seaboard.

Article 37.

A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

Article 38.

A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

Article 39.

Contraband goods are liable to condemnation.

Article 40.

A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

Article 41.

If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

Article 42.

Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

Article 43.

If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband can not be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the power to which such port belongs at the outbreak of hostilities or of the declaration of contraband, respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

Article 44.

A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the log book of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

(Lawrence, Documents Illustrative of International Law, 336-343.)

No. 1. American note, August 6, 1914, suggesting the adoption of the declaration of London as a temporary code of naval warfare. (Same to the American embassies at Berlin, Vienna, St. Petersburg, and Paris, and to the American legation at Brussels.)

(The Secretary of State to the American ambassador at London.)

Mr. Bryan instructs Mr. Page to inquire whether the British Government is willing to agree that the laws of naval warfare as laid down by the declaration of London of 1909 shall be applicable to naval warfare during the present conflict in Europe, provided that the Governments with whom Great Britain is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Page to state that the Government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration.

(Diplomatic correspondence with belligerent Governments relating to neutral rights and commerce, 5. Issued by the Department of State, May 27, 1915.)

No. 2. Statement, August 22, 1914, regarding the German reply to No. 1. (The dispatch of Aug. 20 herein referred to does not appear to have been published.)

(The American ambassador at Berlin to the Secretary of State.)

Mr. Gerard refers to department's August 19, 4 p. m., and says his August 20, 1 a. m., by way of Copenhagen, states that the German Government will apply the declaration of London, provided its provisions are not disregarded by other belligerents. (Dip. Corr., 5.)

No. 3. British note, August 22, 1914, replying to No. 1:

(The secretary of state for foreign affairs ad interim to the American ambassador.)

YOUR EXCELLENCY: On the 7th instant you were so good as to address to me a note inquiring, pursuant to instructions from the Secretary of State at Washington, whether His Majesty's Government were willing to agree that the laws of naval warfare, as laid down by the declaration of London, 1909, should be applicable to naval warfare during the present European conflict, provided that the Governments with whom Great Britain is at war, or with whom her relations are not normal, also agree to such application.

Your excellency added that it was the belief of your Government that the acceptance of these laws by the belligerents would prevent the possibility of grave misunderstandings as to the relations between belligerents and neutrals.

I have the honor to inform your excellency that His Majesty's Government, who attach great importance to the views expressed in your excellency's note and are animated by a keen desire to consult so far as possible the interests of neutral countries, have given this matter their most careful consideration, and have pleasure in stating that they have decided to adopt generally the rules of the declaration in question, subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations. A detailed explanation of these additions and modifications is contained in the inclosed memorandum.

The necessary steps to carry the above decision into effect have now been taken by the issue of an order in council, of which I have the honor to inclose copies herein for your excellency's information and for transmission to your Government.

I may add that His Majesty's Government, in deciding to adhere to the rules of the declaration of London, subject only to the aforesaid modifications and additions, have not waited to learn the intentions of the enemy Governments, but have been actuated by a desire to terminate at the earliest moment the condition of uncertainty which has been prejudicing the interests of neutral trade.

I have, etc.,

E. A. CROWE.

(Dip. Corr. 6.)
No. 4. American note, October 22, 1914, withdrawing the suggestion contained in No. 1 and defining the policy of the United States irrespective of the declaration of London.

(The Secretary of State ad interim to the American ambassador at London.)

Inasmuch as the British Government consider that the conditions of the present European conflict make it impossible for them to accept without modification the declaration of London, you are requested to inform His Majesty's Government that in the circumstances the Government of the United States feels obliged to withdraw its suggestion that the declaration of London be adopted as a temporary code of naval warfare; that, therefore, this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States irrespective of the provisions of the declaration of London; and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of His Britannic Majesty's Government.

LANSING.

(Dip. Corr. 8.)

No. 5. American note, October 24, 1914, similar to No. 4. (Same to the American embassies at Vienna, St. Petersburg, and Paris and to the American Legation at Brussels.)

(The Secretary of State ad interim to the American ambassador at Berlin.)

Referring to department's August 6, 1 p. m., and embassy's October 22, relative to the declaration of London, Mr. Lansing instructs Mr. Gerard to inform the German Government that the suggestion of the department to belligerents as to the adoption of declaration for sake of uniformity as to a temporary code of naval warfare during the present conflict has been withdrawn because some of the belligerents are unwilling to accept the declaration without modifications and that this Government will therefore insist that the rights and duties of the Government and citizens of the United States in the present war be defined by existing rules of international law and the treaties of the United States without regard to the provisions of the declaration and that the Government of the United States reserves to itself the right to enter a protest or demand in every case in which the rights and duties so defined are violated or their free exercise interfered with by the authorities of the belligerent Governments.

(Dip. Corr. 8.)

No. 6. British proclamation, October 29, 1914, revising the list of contraband of war.

Whereas on the 4th day of August, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor; and

Whereas on the 12th day of August, 1914, we did by our royal proclamation of that date extend our proclamation aforesaid to the war between us and the Emperor of Austria, King of Hungary; and

Whereas on the 21st day of September, 1914, we did by our royal proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas it is expedient to consolidate the said lists and to make certain additions thereto: Now, therefore,

We do hereby declare, by and with the advice of our privy council, that the list of contraband contained in the schedules to our royal proclamations of the 4th day of August and the 21st day of September aforesaid are hereby withdrawn and that in lieu thereof during the continuance of the war or until we do give further public notice the articles enumerated in schedule 1 hereto will be treated as absolute con-

triband and the articles enumerated in schedule 2 hereto will be treated conditional contraband.

SCHEDULE 1.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Sulphuric acid.
5. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
6. Range finders and their distinctive component parts.
7. Clothing and equipment of a distinctively military character.
8. Saddle, draft, and pack animals suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armor plates.
12. Hematite iron ore and hematite pig iron.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Ferrochrome and chrome ore.
16. Copper, unwrought.
17. Lead, pig, sheet, or pipe.
18. Aluminum.
19. Ferrosilica.
20. Barbed wire and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Aeroplanes, airships, balloons, and air craft of all kinds and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and air craft.
23. Motor vehicles of all kinds and their component parts.
24. Motor tires; rubber.
25. Mineral oils and motor spirit, except lubricating oils.
26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

SCHEDULE II.

1. Foodstuffs.
2. Forage and feedings stuff for animals.
3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oils. Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Sulphur.
11. Glycerine.
12. Horseshoes and shoeing materials.
13. Harness and saddlery.
14. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
15. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

(Dip. Corr., 12, 13.)

No. 7. British order in council, October 29, 1914, adopting the declaration of London, exclusive of the lists of contraband and noncontraband, and inclusive of certain other modifications:

Whereas by an order in council, dated the 20th day of August, 1914, His Majesty was pleased to declare that during the present hostilities the convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government; and Whereas the said additions and modifications were rendered necessary by the special conditions of the present war; and Whereas it is desirable and possible now to reenact the said order in council with amendments in order to minimize, so far as possible, the interference with innocent neutral trade occasioned by the war: Now, therefore, His Majesty, by and with the advice of his privy council, is pleased to order, and it is hereby ordered, as follows:

1. During the present hostilities, the provisions of the convention known as the declaration of London shall, subject to the exclusion of the lists of contraband and noncontraband, and to the modifications hereinafter set out, be adopted and put in force by His Majesty's Government.

The modifications are as follows:

(i) A neutral vessel, with papers indicating a neutral destination, which notwithstanding the destination shown on the papers, proceeds to an enemy port shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(ii) The destination referred to in article 33 of the said declaration shall (in addition to the presumptions laid down in article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy State.

(iii) Notwithstanding the provisions of article 35 of the said declaration, conditional contraband shall be liable to capture on board a vessel bound to a neutral port if the goods are consigned "to order," or if the ship's papers do not show who is the consignee of the goods, or if they show a consignee of the goods in territory belonging to or occupied by the enemy.

(iv) In the cases covered by the preceding paragraph (iii) it shall lie upon the owners of the goods to prove that their destination was innocent.

2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country, article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

3. The order in council of the 20th August, 1914, directing the adoption and enforcement during the present hostilities of the convention known as the declaration of London, subject to the additions and modifications therein specified, is hereby repealed.

4. This order may be cited as "the declaration of London order in council, No. 2, 1914."

And the lords commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's principal secretaries of state, the president of the probate, divorce, and Admiralty division of the high court of justice, all other judges of His Majesty's prize courts, and all governors, officers, and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

(Dip. Corr., 13, 14.)

No. 8. Announcement of the British Admiralty, November 2, 1914, declaring the North Sea a military area. (Not printed in Dip. Corr., etc.)

During the last week, the German have scattered mines indiscriminately in the open sea on the main trade route from America to Liverpool via the north of Ireland.

Peaceful merchant ships have already been blown up, with loss of life, by this agency.

The White Star liner *Olympic* escaped disaster by pure luck and but for warnings given by British cruisers other British and neutral merchant and passenger vessels would have been destroyed.

These mines can not have been laid by any German ship of war. They have been laid by some merchant vessel flying a neutral flag, which has come along the trade route as if for purpose of peaceful commerce, and, while profiting to the full by the immunity enjoyed by neutral merchant ships, has wantonly and recklessly endangered the lives of all who travel on the sea.

In these circumstances, having regard to the great interests intrusted to the British navy, to the safety of peaceful commerce on the high seas, and to the maintenance within the limits of international law of trade between neutral countries, the admiralty feels it necessary to adopt exceptional measures appropriate to the novel conditions under which this war is being waged.

It therefore gives notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft and all other vessels will be exposed to the gravest dangers from mines it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

All merchant and fishing vessels of every description are hereby warned of the dangers they encounter by entering this area, except in strict accordance with admiralty directions. Every effort will be made to convey this warning to neutral countries and to vessels on the sea, but from November 5 onward the admiralty announces that all ships passing a line drawn from the northern point of the Hebrides through the Farne Islands to Iceland do so at their own peril.

Ships of all countries wishing to trade to and from Norway, the Baltic, Denmark, and Holland are advised to come, if inward bound, by the English Channel and the Strait of Dover. There they will be given sailing directions which will pass them safely, so far as Great Britain is concerned, up the east coast of England to the Farne Islands, whence a safe route will, if possible, be given to Lindesnas Lighthouse.

From this point they should turn north or south, according to their destination, keeping as near the coast as possible. The converse applies to vessels outward bound.

By strict adherence to these routes the commerce of all countries will be able to reach its destination in safety so far as Great Britain is concerned, but any straying even for a few miles from the course thus indicated may be followed by fatal consequences. (The New York Tribune, Nov. 3, 1914.)

No. 9. German note, November 23, 1914, regarding the British and French modifications of the declaration of London. (Sent also to other neutral powers. Text of American reply not yet published. Summary in the New York Times, November 24, 1914.)

(The German ambassador to the Secretary of State.)

According to an order in council of August 20, 1914, the British Government intends to act, during the present hostilities, in accordance with the provisions of the declaration of London relative to the law of naval warfare of February 26, 1909, subject to some additions and modifications. However, these additions and modifications are of such a nature that they obliterate the said declaration in several vital points and at the same time encroach on the accepted rules of international law. Further modifications of great consequence are contained in the proclamation of September 21, 1914.

First. The most vital modifications of the declaration of London are contained in the rule concerning conditional contraband under Nos. 3 and 5 of the above-mentioned order in council.

Article 33 of the declaration of London defines that there can be no question of conditional contraband except in the case where cargo is destined for the use of the administrative departments or the military forces of the hostile power. Moreover, according to article 35 the question whether goods are conditional contraband or not can under no circumstances arise when the vessel is sailing for a neutral port.

The above provisions which are, in the main, in accordance with the accepted rules of international law and represent the outcome of the just weighing of the interests of the belligerents on the one side and of the neutral countries on the other side, are as good as annulled by the said order in council, for, according to its No. 3, the hostile destination of the cargo is to be presumed in every case where the consignee of the cargo is under the control of the authorities of the hostile State. This, however, means nothing else but that each and every cargo shipped to the hostile country is liable to be seized because all inhabitants of that country are under the control of the authorities. This rule is supplemented by No. 5 of the said order, which sets forth that all vessels on the voyage for neutral ports are liable to be seized for having conditional contraband on board. Thus, the rule of the continuous voyage, applicable only in the case of absolute contraband, is declared applicable also with regard to conditional contraband in contravention of article 35 of the declaration of London. In this manner the more lenient regulations with regard to conditional contraband established by the declaration of London are simply set aside with the result that conditional contraband is virtually on the same footing as absolute contraband. In consequence the supply by neutrals of objects of conditional contraband, especially of foodstuffs, destined only for the consumption of the inhabitants of a belligerent country, which is universally considered legitimate in international law, is practically rendered illusory, whereby the interests of the belligerents as well as neutrals are violated in a manner contrary to the law of nations.

As events at the theaters of naval warfare prove, England proceeds in this respect in the most high-handed manner, even enforcing a con-

trol over supplies destined for the countries adjacent to Germany, and thereby endangering their victualing.

Second. The British Government considers itself at liberty to totally disregard the lists of absolute contraband and of merchandise not to be declared contraband (free list) contained in articles 22, 24, and 28 of the declaration of London. In its definition of contraband of August 5, 1914, specially upheld by No. 1 of the said order in council, it has declared airships and parts thereof absolute contraband, while according to No. 8 of article 24 of the declaration of London such objects can only be regarded as conditional contraband. Above all, by proclamation of September 21, 1914, it has declared rubber, hides, and skins, as well as various kinds of iron ore, to be conditional contraband, although these articles are not all, or only in an indirect way suitable for purposes of warfare, and were therefore placed in the free list. (Art. 28, Nos. 3, 4, and 6.) In this manner the universally accepted principle of international law that neutral trade with objects for exclusively peaceful use must not be disturbed by the belligerents is wantonly set aside.

Third. No. 2 of the said order in council contains a further aggravation of the rules concerning contraband. For article 38 of the declaration of London, in accordance with the accepted principle of international law, permits the seizure of a vessel for carrying contraband only as long as such is on board the vessel; whereas the British Government claims the right of seizing the vessel during its entire voyage if carriage of contraband has taken place under false shipping documents. In this manner neutral shipping with the belligerent territory is exposed to constant chicane, since vessels may be seized not only by reason of evident facts, viz, the existence by contraband on board, but also by reason of a frequently not provable affirmation with regard to their previous acts.

Fourth. By the rule established under No. 4 of the said order in council the right of seizure on account of blockade running is unduly extended, since according thereto knowledge of the blockade is to be assumed even in the case that, after a certain time since the notification of the blockade of an enemy port to the local authorities has elapsed, a vessel has sailed from another enemy port. By this rule the British Government attempts, beyond the limits drawn by international law, to put the authorities of the hostile country into the service of the British naval forces and to enforce this service by the capture of neutral vessels.

Fifth. According to an acknowledged principle of international law, confirmed by the declaration of London, only such persons traveling on board of merchant vessels are liable to be made prisoners of war as have already incorporated in the hostile military forces. This rule is clearly established by article 45, No. 2, in conjunction with article 47 of the declaration of London, and is, moreover, treated in detail in the general report of the drafting committee of the conference of London, in the first paragraphs to notes to 45. As it is set forth in the general report, for judicial reasons as well as for practical considerations, it was agreed at the conference that persons belonging to the active military forces exclusively shall be liable to be made prisoners of war when traveling on neutral ships, not, however, persons who, in order to fulfill their military services, are returning to their country, as in the case of members of the reserve. Although the said order in council has acknowledged as binding the above-mentioned two articles, as well as the notes of the general report, the British naval forces have, nevertheless, seized on merchant vessels, sailing under the Dutch, Norwegian, or Italian flag, German subjects liable to do military service but not yet incorporated in the military forces, and made them prisoners of war. In this manner they have not only gravely violated the established principles of international law, as expressed in the declaration of London, but also infringed on an act of their own legislation, i. e., the said order in council.

According to a decree of the President of the French Republic, published in the Journal Officiel of August 6, 1914, France has taken the same stand as Great Britain in the said order in council. Moreover, in the same manner as the British naval forces, the French naval forces have captured German persons liable to do military service on neutral vessels, notably on Dutch and Spanish vessels.

It is thus evident that the regulations issued by Great Britain and France, and even more so their respective naval forces, are disregarding in the most wanton way the provisions embodied in the declaration of London relative to the law of naval warfare.

It is Great Britain's acknowledged aim to hit not only the military but also the commercial power of their adversaries by way of paralyzing neutral trade, and in pursuing this purpose they encroach in an unjustifiable manner not only upon the legitimate commerce between the neutrals and the enemy but also upon the commerce among the neutral countries themselves. It is true that thus far the declaration of London has not been ratified. However, in its preamble it has been specially acknowledged by the delegates of all its signatory powers, including those of Great Britain and France, that, in the main, the provisions of the declaration of London are in accordance with the generally acknowledged principles of international law, which must be considered much more serious, because in the course of former wars in which she was neutral, notably in the Russo-Japanese war, Great Britain has always protested most emphatically against violations of international law of the indicated order. (See the British Blue Book, Russia No. 1, 1903, correspondence respecting contraband of war, p. 8, etc.)

The Imperial German Government has thus far strictly observed the declaration of London and has embodied the contents of its provisions in the German prize-court regulations of September 30, 1914 (cf. Reichsgesetzblatt, 1914, p. 275). It has not changed this attitude even in view of the flagrant violations of law committed by its adversaries.

However, the Imperial German Government must now study the question whether it will be able to continue to maintain the above attitude if the enemy powers abide by the procedure observed by them, and if the neutral powers allow such violations of the principles of neutrality to go on to the detriment of German interest.

The Imperial German Government considers it, therefore, of interest to learn which position the neutral powers intend to take toward the attitude adopted by Great Britain and France contrary to international law, and particularly whether it is their intention to take measures against the acts of violence committed on board their merchant vessels against German subjects and German property.—(The New York Times, Nov. 24, 1914.)

No. 10. British proclamation, December 23, 1914, again revising the list of contraband of war. (See No. 6.)

Whereas on the 4th day of August, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor; and

Whereas on the 12th day of August, 1914, we did by our royal proclamation of that date extend our proclamation aforementioned to the war between us and the Emperor of Austria, King of Hungary; and

Whereas on the 21st day of September, 1914, we did by our royal proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas on the 29th day of October, 1914, we did by our royal proclamation of that date withdraw the said lists of contraband and substitute therefor the lists contained in the schedules to the said proclamation; and

Whereas it is expedient to make certain alterations in and additions to the said lists:

Now, therefore, we do hereby declare, by and with the advice of our privy council, that the lists of contraband contained in the schedules to our royal proclamation of the 29th day of October aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until we do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Ingredients of explosives, viz, nitric acid, sulphuric acid, glycerine, acetone, calcium acetate and all other metallic acetates, sulphur, potassium nitrate, the fractions of the distillation products of coal tar between benzol and cresol, inclusive, aniline, methylaniline, dimethylaniline, ammonium perchlorate, sodium perchlorate, sodium chlorate, barium chlorate, ammonium nitrate, cyanamide, potassium chlorate, calcium nitrate, mercury.
5. Resinous products, camphor, and turpentine (oil and spirit).
6. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
7. Range finders and their distinctive component parts.
8. Clothing and equipment of a distinctively military character.
9. Saddle, draft, and pack animals suitable for use in war.
10. All kinds of harness of a distinctively military character.
11. Articles of camp equipment and their distinctive component parts.
12. Armor plates.
13. Ferro alloys, including ferrotungsten, ferromolybdenum, ferromanganese, ferrovandium, ferrosilicon.
14. The following metals: Tungsten, molybdenum, vanadium, nickel, selenium, cobalt, hematite, pig iron, manganese.
15. The following ores: Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hematite iron ore, zinc ore, lead ore, bauxite.
16. Aluminum, alumina, and salts of aluminum.
17. Antimony, together with the sulphides and oxides of antimony.
18. Copper, unwrought and part wrought, and copper wire.
19. Lead, pig, sheet, or pipe.
20. Barbed wire and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Submarine sound-signaling apparatus.
23. Aeroplanes, airships, balloons, and air crafts of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and air craft.
24. Motor vehicles of all kinds and their component parts.
25. Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tires.
26. Rubber (including raw, waste, and reclaimed rubber) and goods made wholly of rubber.
27. Iron pyrites.
28. Mineral oils and motor spirit, except lubricating oils.
29. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

SCHEDULE II.

1. Foodstuffs.
 2. Forage and feeding stuffs for animals.
 3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
 4. Gold and silver in coin or bullion; paper money.
 5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
 6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
 7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
 8. Fuel, other than mineral oils, lubricants.
 9. Powder and explosives not specially prepared for use in war.
 10. Horseshoes and shoeing materials.
 11. Harness and saddlery.
 12. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
 13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.
- (Dip. Corr. 15, 16.)
- No. 11. American note, December 26, 1914, in reference to the seizure and detention of American cargoes destined for neutral European ports. (Delivered at London Dec. 28 and published three days later. See Nos. 12 and 17.)

(The Secretary of State to the American ambassador at London.)

The present condition of American foreign trade resulting from the frequent seizures and detentions of American cargoes destined to neutral European ports has become so serious as to require a candid statement of the views of this Government in order that the British Government may be fully informed as to the attitude of the United States toward the policy which has been pursued by the British authorities during the present war.

You will, therefore, communicate the following to His Majesty's principal secretary of state for foreign affairs, but in so doing you will assure him that it is done in the most friendly spirit and in the belief that frankness will better serve the continuance of cordial relations between the two countries than silence, which may be misconstrued into acquiescence in a course of conduct which this Government can not but consider to be an infringement upon the rights of American citizens.

The Government of the United States has viewed with growing concern the large number of vessels laden with American goods destined to neutral ports in Europe, which have been seized on the high seas, taken into British ports, and detained sometimes for weeks by the British authorities. During the early days of the war this Government assumed that the policy adopted by the British Government was due to the unexpected outbreak of hostilities and the necessity of immediate action to prevent contraband from reaching the enemy. For this reason it was not disposed to judge this policy harshly or protest it vigorously, although it was manifestly very injurious to American trade with the neutral countries of Europe. This Government, relying confidently upon the high regard which Great Britain has so often exhibited in the past for the rights of other nations, confidently awaited amendment of a course of action which denied to neutral commerce the freedom to which it was entitled by the law of nations.

This expectation seemed to be rendered the more assured by the statement of the foreign office early in November that the British Government were satisfied with guarantees offered by the Norwegian, Swedish, and Danish Governments as to nonexportation of contraband goods when consigned to named persons in the territories of those Governments, and that orders had been given to the British fleet and customs authorities to restrict interference with neutral vessels carrying such cargoes so consigned to verification of ship's papers and cargoes.

It is therefore a matter of deep regret that, though nearly five months have passed since the war began, the British Government have not materially changed their policy and do not treat less rigorously ships and cargoes passing between neutral ports in the peaceful pursuit of lawful commerce, which belligerents should protect rather than interrupt. The greater freedom from detention and seizure which was confidently expected to result from consigning shipments to definite consignees, rather than "to order," is still awaited.

It is needless to point out to His Majesty's Government, usually the champion of the freedom of the seas and the rights of trade, that peace, not war, is the normal relation between nations and that the commerce between countries which are not belligerents should not be interfered with by those at war unless such interference is manifestly an imperative necessity to protect their national safety, and then only to the extent that it is a necessity. (Sec. 20.) It is with no lack of appreciation of the momentous nature of the present struggle in which Great Britain is engaged and with no selfish desire to gain undue commercial advantage that this Government is reluctantly forced to the conclusion that the present policy of His Majesty's Government toward neutral ships and cargoes exceeds the manifest necessity of a belligerent and constitutes restrictions upon the rights of American citizens on the high seas which are not justified by the rules of international law or required under the principle of self-preservation.

The Government of the United States does not intend at this time to discuss the propriety of including certain articles in the lists of absolute and conditional contraband which have been proclaimed by His Majesty. Open to objection as some of these seem to this Government, the chief ground of present complaint is the treatment of cargoes of both classes of articles when bound to neutral ports.

Articles listed as absolute contraband, shipped from the United States and consigned to neutral countries, have been seized and detained on the ground that the countries to which they were destined have not prohibited the exportation of such articles. Unwarranted as such detentions are in the opinion of this Government, American exporters are further perplexed by the apparent indecision of the British authorities in applying their own rules to neutral cargoes. For example, a shipment of copper from this country to a specified consignee in Sweden was detained because, as was stated by Great Britain, Sweden had placed no embargo on copper. On the other hand, Italy not only prohibited the export of copper, but, as this Government is informed, put in force a decree that shipments to Italian consignees or "to order" which arrive in ports of Italy can not be exported or transhipped. The only exception Italy makes is of copper which passes through that country in transit to another country. In spite of these decrees, however, the British foreign office has thus far declined to affirm that copper shipments consigned to Italy will not be molested on the high seas. Seizures are so numerous and delays so prolonged that exporters are afraid to send their copper to Italy; steamship lines decline to accept it, and insurers refuse to issue policies upon it. In a word, a legitimate trade is being greatly impaired through uncertainty as to the treatment which it may expect at the hands of the British authorities.

We feel that we are abundantly justified in asking for information as to the manner in which the British Government propose to carry out the policy which they have adopted in order that we may determine the steps necessary to protect our citizens engaged in foreign trade in their rights and from the serious losses to which they are liable through ignorance of the hazards to which their cargoes are exposed.

In case of conditional contraband, the policy of Great Britain appears to this Government to be equally unjustified by the established rules of international conduct. As evidence of this, attention is directed to the fact that a number of the American cargoes which have been seized consist of foodstuffs and other articles of common use in all countries which are admittedly relative contraband. In spite of the presumption of innocent use because destined to neutral territory, the British authorities made these seizures and detentions without, so far as we are informed, being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, as that term is used in international law. Mere suspicion is not evidence and doubts should be resolved in favor of neutral commerce, not against it. The effect upon trade in these articles between neutral nations resulting from interrupted voyages and detained cargoes is not entirely cured by reimbursement of the owners for the damages which they have suffered after investigation has failed to establish an enemy destination. The injury is to American commerce with neutral countries as a whole through the hazard of the enterprise and the repeated diversion of goods from established markets.

It also appears that cargoes of this character have been seized by the British authorities because of a belief that, though not originally so intended by the shippers, they will ultimately reach the territory of the enemies of Great Britain. Yet this belief is frequently reduced to a mere fear in view of the embargoes which have been decreed by the neutral countries to which they are destined on the articles composing the cargoes.

That a consignment "to order" of articles listed as conditional contraband and shipped to a neutral port raises a legal presumption of enemy destination appears to be directly contrary to the doctrines previously held by Great Britain and thus stated by Lord Salisbury during the South African war:

"Foodstuffs, though having a hostile destination, can be considered as contraband of war only if they are for the enemy's forces; it is not

sufficient that they are capable of being so used, it must be shown that this was in fact their destination at the time of their seizure."

With this statement as to conditional contraband the views of this Government are in entire accord, and upon this historic doctrine, consistently maintained by Great Britain when a belligerent as well as a neutral, American shippers were entitled to rely.

The Government of the United States readily admits the full right of a belligerent to visit and search on the high seas the vessels of American citizens or other neutral vessels carrying American goods and to detain them when there is sufficient evidence to justify a belief that contraband articles are in their cargoes; but His Majesty's Government, judging by their own experience in the past, must realize that this Government can not without protest permit American ships or American cargoes to be taken into British ports and there detained for the purpose of searching generally for evidence of contraband or upon presumptions created by special municipal enactments which are clearly at variance with international law and practice.

This Government believes, and earnestly hopes His Majesty's Government will come to the same belief, that a course of conduct more in conformity with the rules of international usage, which Great Britain has strongly sanctioned for many years, will in the end better serve the interests of belligerents as well as those of neutrals.

Not only is the situation a critical one to the commercial interests of the United States, but many of the great industries of this country are suffering because their products are denied long-established markets in European countries, which, though neutral, are contiguous to the nations at war. Producers and exporters, steamship and insurance companies are pressing, and not without reason, for relief from the menace to trans-Atlantic trade which is gradually but surely destroying their business and threatening them with financial disaster.

The Government of the United States, still relying upon the deep sense of justice of the British Nation, which has been so often manifested in the intercourse between the two countries during so many years of uninterrupted friendship, expresses confidently the hope that His Majesty's Government will realize the obstacles and difficulties which their present policy has placed in the way of commerce between the United States and the neutral countries of Europe, and will instruct its officials to refrain from all unnecessary interference with the freedom of trade between nations which are sufferers, though not participants, in the present conflict, and will in their treatment of neutral ships and cargoes conform more closely to those rules governing the maritime relations between belligerents and neutrals which have received the sanction of the civilized world, and which Great Britain has, in other wars, so strongly and successfully advocated.

In conclusion, it should be impressed upon His Majesty's Government that the present condition of American trade with the neutral European countries is such that, if it does not improve, it may arouse a feeling contrary to that which has so long existed between the American and British peoples. Already it is becoming more and more the subject of public criticism and complaint. There is an increasing belief, doubtless not entirely unjustified, that the present British policy toward American trade is responsible for the depression in certain industries which depend upon European markets. The attention of the British Government is called to this possible result of their present policy to show how widespread the effect is upon the industrial life of the United States and to emphasize the importance of removing the cause of complaint.

BRYAN.

(Dip. Corr. 39-41.)

No. 12. British note, January 7, 1915, replying tentatively to No. 11.

(The secretary of state for foreign affairs to the American ambassador.)

YOUR EXCELLENCY: I have the honor to acknowledge receipt of your note of the 28th of December.

It is being carefully examined and the points raised in it are receiving consideration, as the result of which a reply shall be addressed to your excellency dealing in detail with the issues raised and the points to which the United States Government have drawn attention. This consideration and the preparation of the reply will necessarily require some time, and I therefore desire to send without further delay some preliminary observations which will, I trust, help to clear the ground and remove some misconceptions that seem to exist.

Let me say at once that we entirely recognize the most friendly spirit referred to by your excellency and that we desire to reply in the same spirit and in the belief that, as your excellency states, frankness will best serve the continuance of cordial relations between the two countries.

His Majesty's Government cordially concur in the principle enunciated by the Government of the United States that a belligerent, in dealing with trade between neutrals, should not interfere unless such interference is necessary to protect the belligerent's national safety, and then only to the extent to which this is necessary. We shall endeavor to keep our action within the limits of this principle on the understanding that it admits our right to interfere when such interference is, not with "bona fide" trade between the United States and another neutral country, but with trade in contraband destined for the enemy's country; and we are ready, whenever our action may unintentionally exceed this principle, to make redress.

We think that much misconception exists as to the extent to which we have, in practice, interfered with trade. Your excellency's note seems to hold His Majesty's Government responsible for the present condition of trade with neutral countries, and it is stated that, through the action of His Majesty's Government, the products of the great industries of the United States have been denied long-established markets in European countries which, though neutral, are contiguous to the seat of war. Such a result is far from being the intention of His Majesty's Government, and they would exceedingly regret that it should be due to their action. I have been unable to obtain complete or conclusive figures showing what the state of trade with these neutral countries has been recently, and I can therefore only ask that some further consideration should be given to the question whether United States trade with these neutral countries has been so seriously affected. The only figures as to the total volume of trade that I have seen are those for the exports from New York for the month of November, 1914, and they are as follows, compared with the month of November, 1913:

Exports from New York for November, 1913, [and] November, 1914, respectively.

Denmark	558,000	\$7,101,000
Sweden	377,000	2,858,000
Norway	477,000	2,318,000
Italy	2,971,000	4,781,000
Holland	4,389,000	3,960,000

It is true that there may have been a falling off in cotton exports, as to which New York figures would be no guide, but His Majesty's Government have been most careful not to interfere with cotton, and its place on the free list has been scrupulously maintained.

We do not wish to lay too much stress upon incomplete statistics; the figures above are not put forward as conclusive; and we are prepared to examine any further evidence with regard to the state of trade with these neutral countries, which may point to a different conclusion or show that it is the action of His Majesty's Government in particular, and not the existence of a state of war and consequent diminution of purchasing power and shrinkage of trade, which is responsible for adverse effects upon trade with the neutral countries.

That the existence of a state of war on such a scale has had a very adverse effect upon certain great industries, such as cotton, is obvious; but it is submitted that this is due to the general cause of diminished purchasing power of such countries as France, Germany, and the United Kingdom, rather than to interference with trade with neutral countries. In the matter of cotton, it may be recalled that the British Government gave special assistance through the Liverpool Cotton Exchange to the renewal of transactions in the cotton trade of not only the United Kingdom but of many neutral countries.

Your excellency's note refers in particular to the detention of copper. The figures taken from official returns for the export of copper from the United States for Italy for the months during which the war has been in progress up to the end of the first three weeks of December are as follows:

1913, 15,202,000 pounds; 1914, 36,285,000 pounds. Norway, Sweden, Denmark, and Switzerland are not shown separately for the whole period in the United States returns, but are included in the heading "Other Europe" (that is, Europe other than the United Kingdom, Russia, France, Belgium, Austria, Germany, Holland, and Italy). The corresponding figures under this heading are as follows:

1913, 7,271,000 pounds; 1914, 35,347,000 pounds.

With such figures the presumption is very strong that the bulk of copper consigned to these countries has recently been intended, not for their own use, but for that of a belligerent who can not import it direct. It is therefore an imperative necessity for the safety of this country while it is at war that His Majesty's Government should do all in their power to stop such part of this import of copper as is not genuinely destined for neutral countries.

Your excellency does not quote any particular shipment of copper to Sweden which has been detained. There are, however, four consignments to Sweden at the present time of copper and aluminum which, though definitely consigned to Sweden, are, according to positive evidence in the possession of His Majesty's Government, definitely destined for Germany.

I can not believe that with such figures before them and in such cases as those just mentioned the Government of the United States would question the propriety of the action of His Majesty's Government in taking suspected cargoes to a prize court, and we are convinced that it can not be in accord with the wish either of the Government or of the people of the United States to strain the international code in favor of private interests so as to prevent Great Britain from taking such legitimate means for this purpose as are in her power.

With regard to the seizure of foodstuffs to which your excellency refers, His Majesty's Government are prepared to admit that foodstuffs should not be detained and put into a prize court without presumption that they are intended for the armed forces of the enemy or the enemy Government. We believe that this rule has been adhered to in practice hitherto, but if the United States Government have instances to the contrary we are prepared to examine them, and it is our present intention to adhere to the rule, though we can not give an unlimited and unconditional undertaking in view of the departure by those against whom we are fighting from hitherto accepted rules of civilization and humanity and the uncertainty as to the extent to which such rules may be violated by them in future.

From the 4th of August last to the 3d of January the number of steamships proceeding from the United States for Holland, Denmark, Norway, Sweden, and Italy has been 773. Of these there are 45 which have had consignments or cargoes placed in the prize court, while of the ships themselves only 8 have been placed in the prize court, and 1 of these has since been released. It is, however, essential under modern conditions that where there is real ground for suspecting the presence of contraband the vessels should be brought into port for examination; in no other way can the right of search be exercised, and but for this practice it would have to be completely abandoned. Information was received by us that special instructions had been given to ship rubber from the United States under another designation to escape notice, and such cases have occurred in several instances. Only by search in a port can such cases, when suspected, be discovered and proved. The necessity for examination in a port may also be illustrated by a hypothetical instance, connected with cotton, which has not yet occurred. Cotton is not specifically mentioned in your excellency's note, but I have seen public statements made in the United States that the attitude of His Majesty's Government with regard to cotton has been ambiguous, and thereby responsible for depression in the cotton trade. There has never been any foundation for this allegation. His Majesty's Government have never put cotton on the list of contraband; they have throughout the war kept it on the free list; and on every occasion when questioned on the point they have stated their intention of adhering to this practice. But information has reached us that precisely because we have declared our intention of not interfering with cotton, ships carrying cotton will be specially selected to carry concealed contraband; and we have been warned that copper will be concealed in bales of cotton. Whatever suspicions we have entertained, we have not so far made these a ground for detaining any ship carrying cotton, but should we have information giving us real reason to believe in the case of a particular ship that the bales of cotton concealed copper or other contraband the only way to prove our case would be to examine and weigh the bales, a process that could be carried out only by bringing the vessel into a port. In such a case, or if examination justified the action of His Majesty's Government, the case shall be brought before a prize court and dealt with in the ordinary way.

That the decisions of British prize courts hitherto have not been unfavorable to neutrals is evidenced by the decision in the *Miramichi* case. This case, which was decided against the Crown, laid down that the American shipper was to be paid even when he had sold a cargo c. i. f. and when the risk of loss after the cargo had been shipped did not apply to him at all.

It has further been represented to His Majesty's Government, though this subject is not dealt with in your excellency's note, that

our embargoes on the export of some articles, more especially rubber, have interfered with commercial interests in the United States. It is, of course, difficult for His Majesty's Government to permit the export of rubber from British Dominions to the United States at a time when rubber is essential to belligerent countries for carrying on the war, and when a new trade in exporting rubber from the United States in suspiciously large quantities to neutral countries has actually sprung up since the war. It would be impossible to permit the export of rubber from Great Britain unless the right of His Majesty's Government were admitted to submit to a prize court cargoes of rubber exported from the United States which they believe to be destined for an enemy country, and reasonable latitude of action for this purpose was conceded. But His Majesty's Government have now provisionally come to an arrangement with the rubber exporters in Great Britain which will permit of licenses being given under proper guaranties for the export of rubber to the United States.

We are confronted with the growing danger that neutral countries contiguous to the enemy will become on a scale hitherto unprecedented a base of supplies for the armed forces of our enemies and for materials for manufacturing armament. The trade figures of imports show how strong this tendency is, but we have no complaint to make of the attitude of the Governments of those countries, which, so far as we are aware, have not departed from proper rules of neutrality. We endeavor in the interest of our own national safety to prevent this danger by intercepting goods really destined for the enemy without interfering with those which are "bona fide" neutral.

Since the outbreak of the war the Government of the United States have changed their previous practice and have prohibited the publication of manifests till 30 days after the departure of vessels from the United States ports. We had no "locus standi" for complaining of this change, and did not complain. But the effect of it must be to increase the difficulty of ascertaining the presence of contraband and to render necessary in the interests of our national safety the examination and detention of more ships than would have been the case if the former practice had continued.

Pending a more detailed reply, I would conclude by saying that His Majesty's Government do not desire to contest the general principles of law on which they understand the note of the United States to be based, and desire to restrict their action solely to interferences with contraband destined for the enemy. His Majesty's Government are prepared, whenever a cargo coming from the United States is detained, to explain the case on which such detention has taken place, and would gladly enter into any arrangement by which mistakes can be avoided and reparation secured promptly when any injury to the neutral owners of a ship or cargo has been improperly caused, for they are most desirous in the interest both of the United States and of other neutral countries that British action should not interfere with the normal importation and use by the neutral countries of goods from the United States.

I have, etc.

E. GREY.

(Dip. Corr. 41-44.)

No. 13. Summary of proclamation of the German Federal Council, January 25, 1915, in reference to foodstuffs.

Available supplies in the Empire of wheat, rye, both unmixed and mixed with other products, also unthrashed, are seized for war. Grain company limited, and wheat, rye, oats, and barley flour are seized for the municipality or district where the products are found. Flour in transportation is to be seized for the municipality in the district of destination.

Exempted from seizure are supplies belonging to the Government's naval or military departments, municipalities, war grain company, central purchasing company, or individual amounts of flour of thrashed grain not exceeding together 220 pounds.

Attached supplies may not be touched, and legal proceedings in their regard are null and void. The feeding of animals with such supplies is particularly forbidden. Owners must take the necessary steps to conserve their supplies.

Sales to the war grain company and to municipalities are allowed. Sales from one municipality to another require the consent of higher administrative authorities and must be reported to the central distributing bureau. An agriculturist may, however, give his employers 9 kilos of breadstuffs per month each, and may keep sufficient seed for sowing.

The admiralty mills are to fulfill contracts for February, 1915, and deliver flour. Dealers and private mills may sell up to half of the flour bought from January 1 to 15. Bakers may prepare three-quarters of the average daily consumption of January 1 to 15. The same applies to flour not seized.

Infringements are punishable with one year's imprisonment or 10,000 marks fine. Persons having, on February 1, supplies of materials mentioned, and oats, must report the amount and ownership. The supplies of seeds must be particularly given. The war grain company and the central purchasing company need not make a report. The Government and military supplies must also be reported. Bakers and mills must report how much is used from January 1 to January 15 and the changes in stores. Verification by officials is permitted.

Competent authorities will regulate the process of dispossession. An adequate price must be paid, but the stores not reported are not paid for when taken. The person dispossessed must look after the materials until the dispossessor is ready to take the same over. For this the person dispossessed obtains recompense. Attachment and dispossession apply also to straw of unthrashed grain.

The war grain company, on request, is bound to supply to the municipality a part of all grain allotted to the district of the latter or to transfer the title in said grain. It is also bound to take over seized flour at the request of the municipality for the latter as far as possible and to oversee the sale of the same. It is also bound, at the wish of the municipality, to keep the quantity of the grain in the district up to the amount assigned and to give it to be milled by the district mills.

The mills will grind the grain given by the war grain company and by the central purchasing company or by the municipality.

Payment for grinding is set by the Government officials. Mills may deliver the flour and their property only to the war grain company or to the municipality. The war grain company may furnish flour to the municipalities and army and navy authorities only. The price is subject to regulation by the Government officials.

Bran from such grain is to be delivered per Government orders and price fixed for same. An Imperial distribution office is established to apportion, with the help of the war grain company, the existing supplies until the next harvest.

A body composed of 16 members of the Bynfesrat (sic) [Bundesrat, i. e., Federal council] and 1 member each of the German agricultural

advisory boards and the German national chamber of commerce and the municipal association. The municipalities must furnish to this body facts regarding their grain supplies.

Municipalities will regulate the amount used of supplies in their district, particularly the amounts given to bakers and retailers, but within the limit set by the central distributing bureau. Municipalities can also prescribe all rules and regulations for making and selling bread. Municipalities receive a bonus of 10 per cent of the value of the amount returned of the unused quantity allotted them for any stated period, these bonuses to be used for food for people. Municipalities will fix the prices for flour assigned by them.

The foregoing regulations do not apply to the grain and flour imported after January 31, 1915. Imported grain and flour may be given over by importers only to the war grain company, the central purchasing company, or the municipalities.

Cities and communities of more than 5,000 souls are to take measures for conservation of meat and arrange for the supply of preserved meat. To this end communities may take over the ownership of swine and fix the price therefor. (The New York Times, February 18, 1915.)

No. 14. Announcement of the German Admiralty, February 4, 1915, declaring the waters around Great Britain a war zone:

1. The waters surrounding Great Britain and Ireland, including the whole English Channel, are hereby declared to be a war zone. On and after the 18th of February, 1915, every enemy merchant ship found in the said war zone will be destroyed without its being always possible to avert the dangers threatening the crews and passengers on that account.

2. Even neutral ships are exposed to danger in the war zone, as in view of the misuse of neutral flags, ordered on January 31 by the British Government, and of the accidents of naval war, it can not always be avoided to strike even neutral ships in attacks that are directed at enemy ships.

3. Northward navigation around the Shetland Islands, in the eastern waters of the North Sea, and in a strip of not less than 30 miles width along the Netherlands coast is in no danger. (Dip. Corr. 52-53.)

No. 15. Memorandum of the German Government, February 4, 1915, regarding the declaration of a war zone:

Since the commencement of the present war Great Britain's conduct of commercial warfare against Germany has been a mockery of all the principles of the law of nations. While the British Government have by several orders declared that their naval forces should be guided by the stipulations of the declaration of London, they have in reality repudiated this declaration in the most essential points, notwithstanding the fact that their own delegates at the maritime conference of London acknowledged its acts as forming part of existing international law. The British Government have placed a number of articles on the contraband list which are not at all, or only very indirectly, capable of use in warfare, and consequently can not be treated as contraband either under the declaration of London or under the generally acknowledged rules of international law. In addition they have in fact obliterated the distinction between absolute and conditional contraband by confiscating all articles of conditional contraband destined for Germany, whatever may be the port where these articles are to be unloaded, and without regard to whether they are destined for uses of war or peace. They have not even hesitated to violate the declaration of Paris, since their naval forces have captured on neutral ships German property which was not contraband of war. Furthermore, they have gone further than their own orders respecting the declaration of London and caused numerous German subjects capable of bearing arms to be taken from neutral ships and made prisoners of war. Finally, they have declared the North Sea in its whole extent to be the seat of war, thereby rendering difficult and extremely dangerous, if not impossible, all navigation on the high seas between Scotland and Norway, so that they have in a way established a blockade of neutral coasts and ports, which is contrary to the elementary principles of generally accepted international law. Clearly all these measures are part of a plan to strike not only the German military operations but also the economic system of Germany, and in the end to deliver the whole German people to reduction by famine by intercepting legitimate neutral commerce by methods contrary to international law.

The neutral powers have in the main acquiesced in the measures of the British Government; in particular they have not been successful in securing the release by the British Government of the German subjects and German merchandise illegally taken from their vessels. To a certain extent they have even contributed toward the execution of the measures adopted by England in defiance of the principle of the freedom of the seas by prohibiting the export and transit of goods destined for peaceable purposes in Germany, thus evidently yielding to pressure by England. The German Government have in vain called the attention of the neutral powers to the fact that Germany must seriously question whether it can any longer adhere to the stipulations of the declaration of London, hitherto strictly observed by it, in case England continues to adhere to its practice and the neutral powers persist in looking with indulgence upon all these violations of neutrality, to the detriment of Germany. Great Britain invokes the vital interests of the British Empire, which are at stake, in justification of its violations of the law of nations, and the neutral powers appear to be satisfied with theoretical protests, thus actually admitting the vital interests of a belligerent as a sufficient excuse for methods of waging war, of whatever description.

The time has come for Germany also to invoke such vital interests. It therefore finds itself under the necessity, to its regret, of taking military measures against England in retaliation for the practice followed by England. Just as England declared the whole North Sea between Scotland and Norway to be comprised within the seat of war, so does Germany now declare the waters surrounding Great Britain and Ireland, including the whole English Channel, to be comprised within the seat of war, and will prevent by all the military means at its disposal all navigation by the enemy in those waters. To this end it will endeavor to destroy, after February 18 next, any merchant vessels of the enemy which present themselves at the seat of war above indicated, although it may not always be possible to avert the dangers which may menace persons and merchandise. Neutral powers are accordingly forewarned not to continue to intrust their crews, passengers, or merchandise to such vessels. Their attention is furthermore called to the fact that it is of urgency to recommend to their own vessels to steer clear of these waters. It is true that the German Navy has received instructions to abstain from all violence against neutral vessels recognizable as such; but, in view of the hazards of war and of the misuse of the neutral flag ordered by the British Government, it will not always be possible to prevent a neutral vessel from becoming the victim of an attack intended to be directed

against a vessel of the enemy. It is expressly declared that navigation in the waters north of the Shetland Islands is outside the danger zone, as well as navigation in the eastern part of the North Sea, and in a zone 30 marine miles wide along the Dutch coast.

The German Government announces this measure at a time permitting enemy and neutral ships to make the necessary arrangements to reach the ports situated at the seat of war. They hope that the neutral powers will accord consideration to the vital interests of Germany equally with those of England, and will on their part assist in keeping their subjects and their goods far from the seat of war; the more so since they likewise have a great interest in seeing the termination at an early day of the war now ravaging. (Dip. Corr. 53.)

No. 16. Statement of the British foreign office, February 7, 1915, regarding the use of neutral flags and the German declaration of a war zone:

The use of a neutral flag is, with certain limitations, well established in practice as a ruse de guerre. The only effect in the case of a merchantman wearing a flag other than her national flag is to compel the enemy to follow the ordinary obligations of naval warfare and satisfy him as to the nationality of the vessel and the character of her cargo by examination before capturing her and taking her into a prize court for adjudication.

The British Government has always considered the use of the British colors by foreign vessels legitimate for the purpose of escaping capture. Such practice not only involves no breach of international law, but it is specifically recognized by the law of this country in the merchant shipping act of 1894.

In instructions to British consuls in 1914 it is stated: "A ship is liable to capture if a British character is improperly assumed, except for the purpose of escaping capture."

As we have in practice not objected to foreign merchant vessels using the British merchant flag as a ruse for the purpose of evading capture at sea at the hands of a belligerent, so we should maintain that in the converse case a British merchant vessel committed no breach of international law in assuming neutral colors for a similar purpose if she thought fit.

By the rules of international law, the customs of war, and the dictates of humanity, it is obligatory upon a belligerent to ascertain the character of the merchant vessel and cargo before capture. Germany has no right to disregard this obligation.

To destroy a ship, noncombatant crew, and cargo, as Germany announced her intention of doing, is nothing less than an act of piracy of the high seas. (The New York Times, Feb. 7, 1915.)

No. 17. British note, February 10, 1915, replying finally to the American note of December 26, 1914 (No. 11), in regard to the seizure and detention of American cargoes: (See No. 12.)

(The secretary of state for foreign affairs to the American ambassador.)

YOUR EXCELLENCY: Your Excellency has already received the preliminary answer, which I handed to you on the 7th January, in reply to your note of the 28th December on the subject of the seizures and detentions of American cargoes destined for neutral European ports.

Since that date I have had further opportunity of examining into the trade statistics of the United States, as embodied in the customs returns, in order to see whether the belligerent action of Great Britain has been in any way the cause of the trade depression which Your Excellency describes as existing in the United States, and also whether the seizures of vessels or cargoes which have been made by the British Navy have inflicted any loss on American owners for which our existing machinery provides no means of redress. In setting out the results of my investigation, I think it well to take the opportunity of giving a general review of the methods employed by His Majesty's Government to intercept contraband trade with the enemy, of their consistency with the admitted right of a belligerent to intercept such trade, and also of the extent to which they have endeavored to meet the representations and complaints from time to time addressed to them on behalf of the United States Government.

Toward the close of your note of the 28th December, your excellency describes the situation produced by the action of Great Britain as a pitiful one to the commercial interests of the United States, and said that many of the great industries of the country were suffering because their products were denied long-established markets in neutral European countries contiguous to the nations at war.

It is unfortunately true that in these days when trade and finance are cosmopolitan any war—particularly a war of any magnitude—must result in a grievous dislocation of commerce, including that of the nations which take no part in the war. Your excellency will realize that in this tremendous struggle, for the outbreak of which Great Britain is in no way responsible, it is impossible for the trade of any country to escape all injury and loss, but for such His Majesty's Government is not to blame.

I do not understand the paragraph which I have quoted from your excellency's note as referring to these indirect consequences of the state of war, but to the more proximate and direct effect of our belligerent action in dealing with neutral ships and cargoes on the high seas. Such action has been limited to vessels on their way to enemy ports or ports in neutral countries adjacent to the theater of war, because it is only through such ports that the enemy introduces the supplies which he requires for carrying on the war.

In my earlier note I set out the number of ships which had sailed from the United States for Holland, Denmark, Norway, Sweden, and Italy, and I there stated that only 3 of the 773 had been placed in the prize court, and that only 45 had been temporarily detained to enable particular consignments of cargo to be discharged for the purpose of prize-court proceedings. To measure the effect of such naval action it is necessary to take into consideration the general statistics of the export trade of the United States during the months preceding the outbreak of war and those since the outbreak.

Taking the figures in millions of dollars, the exports of merchandise from the United States for the seven months of January to July, 1914, inclusive, were 1,201, as compared with 1,327 in the corresponding months of 1913, a drop of \$126,000,000.

For the months of August, September, October, and November—that is to say, for the four months of the war preceding the delivery of your excellency's note—the figures of the exports of merchandise were \$667,000,000 as compared with \$923,000,000 in the corresponding months of 1913, a drop of \$256,000,000.

If, however, the single article of cotton be eliminated from the comparison, the figures show a very different result. Thus the exports of all articles of merchandise other than cotton from the United States during the first seven months of 1914 were \$666,000,000 as against \$1,127,000,000 in 1913, a drop of \$161,000,000, or 14½ per cent. On the other hand, the exports of the same articles during the months August to November

amounted to \$608,000,000 as compared with \$630,000,000 in 1913, a drop of only \$22,000,000, or less than 4 per cent.

It is therefore clear that if cotton be excluded the effect of the war has been not to increase but practically to arrest the decline of American exports which was in progress earlier in the year. In fact, any decrease in American exports which is attributable to the war is essentially due to cotton. Cotton is an article which can not possibly have been affected by the exercise of our belligerent rights, for, as your excellency is aware, it has not been declared by His Majesty's Government to be contraband of war, and the rules under which we are at present conducting our belligerent operations give us no power in the absence of a blockade to seize or interfere with it when on its way to a belligerent country in neutral ships. Consequently no cotton has been touched.

Into the causes of the decrease in the exports of cotton I do not feel that there is any need for me to enter, because whatever may have been the cause it is not to be found in the exercise of the belligerent rights of visit, search, and capture, or in our general right when at war to intercept the contraband trade of our enemy. Imports of cotton to the United Kingdom fell as heavily as those to other countries. No place felt the outbreak of war more acutely than the cotton districts of Lancashire, where for a time an immense number of spindles were idle. Though this condition has now to a large extent passed away, the consumption of the raw material in Great Britain was temporarily much diminished. The same is no doubt true of France.

The general result is to show convincingly that the naval operations of Great Britain are not the cause of any diminution in the volume of American exports, and that if the commerce of the United States is in the unfavorable condition which your excellency describes the cause ought in fairness to be sought elsewhere than in the activities of His Majesty's naval forces.

I may add that the circular issued by the Department of Commerce at Washington on the 23d of January admits a marked improvement in the foreign trade of the United States, which we have noted with great satisfaction. The first paragraph of the circular is worth quoting verbatim:

"A marked improvement in our foreign trade is indicated by the latest reports issued by the Department of Commerce through its Bureau of Foreign and Domestic Commerce, sales of foodstuffs and certain lines of manufactures having been unusually large in November, the latest period for which detailed information is at hand. In that month exports aggregated \$206,000,000, or double the total for August last, when, by reason of the outbreak of war, our foreign trade fell to the lowest level reached in many years. In December there was further improvement, the month's exports being valued at \$246,000,000, compared with \$233,000,000 in December, 1913, and within \$4,000,000 of the high record established in December, 1912."

A better view of the situation is obtained by looking at the figures month by month. The exports of merchandise for the last five months have been (in millions of dollars):

August	110
September	156
October	194
November	205
December	246

The outbreak of war produced in the United States, as it did in all neutral countries, an acute but temporary disturbance of trade. Since that time there seems to have been a steady recovery, for to-day the exports from the United States stand at a higher figure than on the same date last year.

Before passing away from the statistics of trade, and in order to demonstrate still more clearly if necessary that the naval operations of Great Britain and her allies have had no detrimental effect on the volume of trade between the United States and neutral countries, it is worth while to analyze the figures of the exports to Europe since the outbreak of hostilities. For this purpose the European countries ought to be grouped under three heads: Great Britain and those fighting with her, neutral countries, and enemy countries. It is, however, impossible for me to group the countries in this way satisfactorily, as the figures relating to the export trade of the United States with each country have not yet been published. In the preliminary statement of the export trade of the United States with foreign countries only principal countries are shown, and various countries which are tabulated separately in the more detailed monthly summary of commerce and finance are omitted. Those omitted include not only the Scandinavian countries, the exports to which are of peculiar importance in dealing with this question, but also Austria.

So far as it is possible to distribute the figures under the headings which I have indicated above (all the figures being given in thousands of dollars), the results are as follows:

Total exports to Europe from the 1st of August to the 30th of November, 413,995, as against 597,342 in 1913. Of these, Great Britain and her allies took 288,312, as against 316,805 in 1913. Germany and Belgium took 1,881, as against 177,136 in 1913; whereas neutral countries (among which Austria-Hungary is unavoidably included) took 123,802, as against 103,401 in 1913.

The general complaint in your excellency's note was that the action of Great Britain was affecting adversely the trade of the United States with neutral countries. The naval operations of Great Britain certainly do not interfere with commerce from the United States on its way to the United Kingdom and the allied countries, and yet the exports to Great Britain and her allies during those four months diminished to the extent of over \$28,000,000, whereas those to neutral countries and Austria increased by over \$20,000,000.

The inference may fairly be drawn from these figures, all of which are taken from the official returns published by the United States Government, that not only has the trade of the United States with the neutral countries in Europe been maintained as compared with previous years, but also that a substantial part of this trade was, in fact, trade intended for the enemy countries going through neutral ports by routes to which it was previously unaccustomed.

One of the many inconveniences to which this great war is exposing the commerce of all neutral countries is undoubtedly the serious shortage in shipping available for ocean transport and the consequential result of excessive freights.

It can not fairly be said that this shortage is caused by Great Britain's interference with neutral ships. At the present time there are only seven neutral vessels awaiting adjudication in the prize courts in this country and three in those in the British dominions. As your excellency is aware, I have already instructed our ambassador at Washington to remind the parties who are interested in these vessels that it is open to them to apply to the court for the release

of these ships on bail, and if an application of this sort is made by them it is not likely to be opposed by the Crown. There is therefore no reason why such an application should not be favorably entertained by the court, and, if acceded to, all these vessels will again be available for the carriage of commerce. Only one neutral vessel is now detained in this country in addition to those awaiting adjudication in the prize court.

Every effort has been made in cases in which it has been found necessary to institute proceedings against portions of the cargo to secure the speedy discharge of the cargo and the release of the ship, so as to enable it to resume work. Great Britain is suffering from the shortage of shipping and the rise in freights as acutely as, if not more than, other nations, and His Majesty's Government have taken every step that they could consistently with their belligerent interests to increase the tonnage available for the transport of seaborne commerce. The enemy ships which have been condemned in the prize courts in this country are being sold as rapidly as possible in order that they may become available for use; and those which have been condemned in the prize courts overseas are being brought to this country in order that they may be disposed of here and again placed in active employment.

The difficulties have been accentuated by the unforeseen consequences of the convention which was signed at The Hague in 1907 relative to the status of enemy merchant vessels at the outbreak of war. This convention was a well-intentioned effort to diminish the losses which war must impose upon innocent persons, and provided that enemy merchant ships seized by a belligerent in whose ports they lay at the outbreak of war should not be condemned, but should merely be detained for the period of the war, unless they were liberated in the days of grace. We could come to no arrangement with the German Government for the reciprocal grant of days of grace, and the German merchant vessels lying in British ports when the war broke out have therefore been sentenced to detention in lieu of condemnation. The normal result would have been still further to reduce the volume of shipping available for the commerce of the world. To ease the situation, however, His Majesty's Government are resorting to the power of requisitioning which is given by the convention, so that these ships may again be placed in active service.

Your excellency will see, therefore, that His Majesty's Government are doing all in their power to increase the volume of shipping available. I hope it will be realized that the detention of neutral ships by His Majesty's Government with a view to the capture of contraband trade on its way to the enemy has not contributed nearly so much to the shortage of shipping as has the destruction of neutral vessels by submarine mines indiscriminately laid by the enemy on the high seas, many miles from the coast, in the track of merchant vessels. Up till now 25 neutral vessels have been reported as destroyed by mines on the high seas; quite apart from all questions of the breach of treaties and the destruction of life, there is far more reason for protest on the score of belligerent interference with innocent neutral trade through the mines scattered by the enemy than through the British exercise of the right of seizing contraband.

I trust that what I have said above will be sufficient to convince Your Excellency's Government that the complaints that the naval policy of Great Britain has interfered with the shipments of American products to long-established markets in neutral European countries is founded on a misconception.

In justice to the peoples of both countries, I feel that this opportunity should be taken to explain the lines on which His Majesty's Government has been acting hitherto, so as to show that the line they have followed is in no way inconsistent with the general fundamental principle of international law and to indicate the care with which they have endeavored to meet the representations which have been made by the United States Government from time to time during the war on these questions.

No one in these days will dispute the general proposition that a belligerent is entitled to capture contraband goods on their way to the enemy; that right has now become consecrated by long usage and general acquiescence. Though the right is ancient, the means of exercising it alter and develop with the changes in the methods and machinery of commerce. A century ago the difficulties of land transport rendered it impracticable for the belligerent to obtain supplies of sea-borne goods through a neighboring neutral country. Consequently the belligerent actions of his opponents neither required nor justified any interference with shipments on their way to a neutral port. This principle was recognized and acted on in the decisions in which Lord Stowell laid down the lines on which captures of such goods should be dealt with.

The advent of steam power has rendered it as easy for a belligerent to supply himself through the ports of a neutral contiguous country as through his own and has therefore rendered it impossible for his opponent to refrain from interfering with commerce intended for the enemy merely because it is on its way to a neutral port.

No better instance of the necessity of countering new devices for dispatching contraband goods to an enemy by new methods of applying the fundamental principle of the right to capture such contraband can be given than the steps which the Government of the United States found it necessary to take during the American Civil War. It was at that time that the doctrine of continuous voyage was first applied to the capture of contraband; that is to say, it was then for the first time that a belligerent found himself obliged to capture contraband goods on their way to the enemy, even though at the time of capture they were en route for a neutral port from which they were intended subsequently to continue their journey. The policy then followed by the United States Government was not inconsistent with the general principles already sanctioned by international law, and met with no protest from His Majesty's Government, though it was upon British cargoes and upon British ships that the losses and the inconvenience due to this new development of the application of the old rule of international law principally fell. The criticisms which have been directed against the steps then taken by the United States came, and come, from those who saw in the methods employed in Napoleonic times for the prevention of contraband a limitation upon the right itself, and failed to see that in Napoleonic times goods on their way to a neutral port were immune from capture, not because the immediate destination conferred a privilege, but because capture under such circumstances was unnecessary.

The facilities which the introduction of steamers and railways have given to a belligerent to introduce contraband goods through neutral ports have imposed upon his opponent the additional difficulty, when endeavoring to intercept such trade, of distinguishing between the goods which are really destined for the commerce of that neutral country and the goods which are on their way to the enemy. It is

one of the many difficulties with which the United States Government found themselves confronted in the days of the Civil War, and I can not do better than quote the words which Mr. Seward, who was then Secretary of State, used in the course of the diplomatic discussion arising out of the capture of some goods on their way to Matamoros which were believed to be for the insurgents:

"Neutrals engaged in honest trade with Matamoros must expect to experience inconvenience from the existing blockade of Brownsville and the adjacent coast of Texas. While this Government unfeignedly regrets this inconvenience, it can not relinquish any of its belligerent rights to favor contraband trade with insurgent territory by insisting upon those rights, however, it is sure that that necessity for their exercise at all, which must be deplored by every friendly commercial power, will the more speedily be terminated."

The opportunities now enjoyed by a belligerent for obtaining supplies through neutral ports are far greater than they were 50 years ago, and the geographical conditions of the present struggle lend additional assistance to the enemy in carrying out such importation. We are faced with the problem of intercepting such supplies when arranged with all the advantages that flow from elaborate organization and unstinted expenditure. If our belligerent rights are to be maintained, it is of the first importance for us to distinguish between what is really bona fide trade intended for the neutral country concerned and the trade intended for the enemy country. Every effort is made by organizers of this trade to conceal the true destination, and if the innocent neutral trade is to be distinguished from the enemy trade it is essential that His Majesty's Government should be entitled to make, and should make, careful inquiry with regard to the destination of particular shipments of goods even at the risk of some slight delay to the parties interested. If such inquiries were not made either the exercise of our belligerent rights would have to be abandoned, tending to the prolongation of this war and the increase of the loss and suffering which it is entailing upon the whole world, or else it would be necessary to indulge in indiscriminate captures of neutral goods and their detention throughout all the period of the resulting prize court proceedings. Under the system now adopted it has been found possible to release without delay, and consequently without appreciable loss to the parties interested, all the goods of which the destination is shown as the result of the inquiries to be innocent.

It may well be that the system of making such inquiries is to a certain extent a new introduction, in that it has been practiced to a far greater extent than in previous wars; but if it is correctly described as a new departure, it is a departure which is wholly to the advantage of neutrals, and which has been made for the purpose of relieving them so far as possible from loss and inconvenience.

There was a passage in a note which the State Department addressed to the British ambassador at Washington on the 7th November, to which I think it may be well to refer:

"In the opinion of this Government, the belligerent right of visit and search requires that the search should be made on the high seas at the time of the visit, and that the conclusion of the search should rest upon the evidence found on the ship under investigation, and not upon circumstances ascertained from external sources."

The principle here enunciated appears to me to be inconsistent with the practice in these matters of the United States Government, as well as of the British Government. It certainly was not the rule upon which the United States Government acted either during the Civil War or during the Spanish-American War, nor has it ever been the practice of the British Government, nor so far as I am aware of any other Government which has had to carry on a great naval war; as a principle I think it is impossible in modern times. The necessity for giving the belligerent captor full liberty to establish by all the evidence at his disposal the enemy destination with which the goods were shipped was recognized in all the leading decisions in the prize courts of the United States during the Civil War.

No clearer instance could be given than the reporter's statement of the case of the *Bermuda* (3 Wallace, 514):

"The final destination of the cargo in this particular voyage was left so skillfully open . . . that it was not quite easy to prove, with that certainty which American courts require, the intention, which it seemed plain must have really existed. Thus to prove it required that truth should be collated from a variety of sources, darkened and disguised; from others opened as the cause advanced, and by accident only; from coincidences undesigned, and facts that were circumstantial. Collocations and comparisons, in short, brought largely their collective force in aid of evidence that was more direct."

It is not impossible that the course of the present struggle will show the necessity for belligerent action to be taken in various ways which may at first sight be regarded as a departure from old practice. In my note of the 7th January, I dealt at some length with the question of the necessity of taking vessels into port for the purposes of carrying out an effective search, where search was necessary; to that subject I feel that I need not again recur.

The growth in the size of steamships necessitates in many cases that the vessel should go into calm water, in order that even the right of visit, as apart from the right of search, should be exercised. In modern times a steamer is capable of pursuing her voyage irrespective of the conditions of the weather. Many of the neutral merchantmen which our naval officers are called upon to visit at sea are encountered by our cruisers in places and under conditions which render the launching of a boat impossible. The conditions during winter in the North Atlantic frequently render it impracticable for days together for a naval officer to board a vessel on her way to Scandinavian countries. If a belligerent is to be denied the right of taking a neutral merchantman, met with under such conditions, into calm water in order that the visiting officer may go aboard, the right of visit and of search would become a nullity.

The present conflict is not the first in which this necessity has arisen. As long ago as the Civil War the United States found it necessary to take vessels to United States ports in order to determine whether the circumstances justified their detention.

The same need arose during the Russo-Japanese War and also during the second Balkan War, when it sometimes happened that British vessels were made to deviate from their course and follow the cruisers to some spot where the right of visit and of search could be more conveniently carried out. In both cases this exercise of belligerent rights, although questioned at first by His Majesty's Government, was ultimately acquiesced in.

No power in these days can afford during a great war to forego the exercise of the right of visit and search. Vessels which are apparently harmless merchantmen can be used for carrying and laying mines and even fitted to discharge torpedoes. Supplies for submarines can without difficulty be concealed under other cargo. The

only protection against these risks is to visit and search thoroughly every vessel appearing in the zone of operations, and if the circumstances are such as to render it impossible to carry it out at the spot where the vessel was met with the only practicable course is to take the ship to some more convenient locality for the purpose. To do so is not to be looked upon as a new belligerent right, but as an adaptation of the existing right to the modern conditions of commerce. Like all belligerent rights, it must be exercised with due regard for neutral interests, and it would be unreasonable to expect a neutral vessel to make long deviations from her course for this purpose. It is for this reason that we have done all we can to encourage neutral merchantmen on their way to ports contiguous to the enemy country to visit some British port lying on their line of route in order that the necessary examination of the ship's papers, and, if required, of the cargo, can be made under conditions of convenience to the ship herself. The alternative would be to keep a vessel which the naval officers desired to board waiting, it might be for days together, until the weather conditions enabled the visit to be carried out at sea.

No war has yet been waged in which neutral individuals have not occasionally suffered from unjustified belligerent action; no neutral nation has experienced this fact more frequently in the past than Great Britain. The only method by which it is possible to harmonize belligerent action with the rights of neutrals is for the belligerent nation to provide some adequate machinery by which in any such case the facts can be investigated and appropriate redress can be obtained by the neutral individual. In this country such machinery is provided by the powers which are given to the prize court to deal not only with captures, but also with claims for compensation. Order V, rule 2, of the British prize court rules, provides that where a ship has been captured as prize, but has been subsequently released by the captors, or has by loss, destruction, or otherwise ceased to be detained by them, without proceedings for condemnation having been taken, any person interested in the ship (which by Order I, rule 2, includes goods) wishing to make a claim for costs and damages in respect thereof, shall issue a writ as provided by Order II. A writ so issued will initiate a proceeding which will follow its ordinary course in the prize court.

This rule gives the prize court ample jurisdiction to deal with any claim for compensation by a neutral arising from the interference with a ship or goods by our naval forces. The best evidence that can be given of the discrimination and the moderation with which our naval officers have carried out their duties is to be found in the fact that up to this time no proceedings for the recovery of compensation have been initiated under the rule which I have quoted.

It is the common experience of every war that neutrals whose attempts to engage in suspicious trading are frustrated by a belligerent are wont to have recourse to their Government to urge that diplomatic remonstrances should be made on their behalf, and that redress should be obtained for them in this way. When an effective mode of redress is open to them in the courts of a civilized country by which they can obtain adequate satisfaction for any invasion of their rights which is contrary to the law of nations, the only course which is consistent with sound principle is that they should be referred to that mode of redress, and that no diplomatic action should be taken until their legal remedies have been exhausted, and they are in a position to show *prima facie* denial of justice.

The course adopted by His Majesty's Government during the American Civil War was in strict accordance with this principle. In spite of remonstrances from many quarters, they placed full reliance on the American prize courts to grant redress to the parties interested in cases of alleged wrongful capture by American ships of war, and put forward no claims until the opportunities for redress in those courts had been exhausted. The same course was adopted in the Spanish-American War, when all British subjects who complained of captures or detentions of their ships were referred to the prize courts for relief.

Before leaving the subject may I remind your excellency of the fact that at your request you are now supplied immediately by this department with particulars of every ship under American colors which is detained, and of every shipment of cargo in which an American citizen appears to be the party interested. Not only is the fact of detention notified to your excellency, but so far as is practicable the grounds upon which the vessel or cargo has been detained are also communicated to you—a concession which enables any United States citizen to take steps at once to protect his interests.

His Majesty's Government have also done all that lies in their power to insure rapid action when ships are reported in British ports. They realize that the ship and cargo owners may reasonably expect an immediate decision to be taken as to whether the ship may be allowed to proceed, and whether her cargo or any part of it must be discharged and put into the prize court. Realizing that the ordinary methods of interdepartmental correspondence might cause delays which could be obviated by another method of procedure, they established several months ago a special committee, on which all the departments concerned are represented. This committee sits daily, and is provided with a special clerical staff. As soon as a ship reaches port full particulars are telegraphed to London, and the case is dealt with at the next meeting of the committee, immediate steps being taken to carry out the action decided upon. By the adoption of this procedure it has been found possible to reduce to a minimum the delays to which neutral shipping is exposed by the exercise of belligerent rights, and by the necessity, imposed by modern conditions, of examining with care the destination of contraband articles.

Particular attention is directed in your excellency's note to the policy we are pursuing with regard to conditional contraband, especially foodstuffs, and it is there stated that a number of American cargoes have been seized without, so far as your excellency's Government are informed, our being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, and in spite of the presumption of innocent use due to their being destined to neutral territory. The note does not specify any particular seizures as those which formed the basis of this complaint, and I am therefore not aware whether the passage refers to cargoes which were detained before or since the order in council of the 29th October was issued.

Your excellency will no doubt remember that soon after the outbreak of war an order of His Majesty in council was issued under which no distinction was drawn in the application of the doctrine of continuous voyage between absolute contraband and conditional contraband, and which also imposed upon the neutral owner of contraband somewhat drastic conditions as to the burden of proof of the guilt or innocence of the shipment.

The principle that the burden of proof should always be imposed upon the captor has usually been admitted as a theory. In practice,

however, it has almost always been otherwise, and any student of the prize courts' decisions of the past or even of modern wars will find that goods seldom escape condemnation unless their owner was in a position to prove that their destination was innocent. An attempt was made some few years ago, in the unratified declaration of London, to formulate some definite rules upon this subject, but time alone can show whether the rules there laid down will stand the test of modern warfare.

The rules which His Majesty's Government published in the order in council of the 20th August, 1914, were criticised by the United States Government as contrary to the generally recognized principles of international law, and as inflicting unnecessary hardship upon neutral commerce, and your excellency will remember the prolonged discussion which took place between us through the month of October with a view to finding some new formula which should enable us to restrict supplies to the enemy forces, and to prevent the supply to the enemy of materials essential for the making of munitions of war, while inflicting the minimum of injury and interference with neutral commerce. It was with this object that the order in council of the 29th October was issued, under the provisions of which a far greater measure of immunity is conferred upon neutral commerce. In that order the principle of noninterference with conditional contraband on its way to a neutral port is in large measure admitted; only in three cases is the right to seize maintained, and in all those cases the opportunity is given to the claimants of the goods to establish their innocence.

Two of those cases are where the ship's papers afford no information as to the person for whom the goods are intended. It is only reasonable that a belligerent should be entitled to regard as suspicious cases where the shippers of the goods do not choose to disclose the name of the individual who is to receive them. The third case is that of goods addressed to a person in the enemy territory. In the peculiar circumstances of the present struggle, where the forces of the enemy comprise so large a proportion of the population, and where there is so little evidence of shipments on private as distinguished from Government account, it is most reasonable that the burden of proof should rest upon the claimant.

The most difficult questions in connection with conditional contraband arise with reference to the shipment of foodstuffs. No country has maintained more stoutly than Great Britain in modern times the principle that a belligerent should abstain from interference with the foodstuffs intended for the civil population. The circumstances of the present struggle are causing His Majesty's Government some anxiety as to whether the existing rules with regard to conditional contraband, framed as they were with the object of protecting so far as possible the supplies which were intended for the civil population, are effective for the purpose or suitable to the conditions present. The principle which I have indicated above is one which His Majesty's Government have constantly had to uphold against the opposition of continental powers. In the absence of some certainty that the rule would be respected by both parties to this conflict, we feel great doubt whether it should be regarded as an established principle of international law.

Your excellency will, no doubt, remember that in 1885, at the time when His Majesty's Government were discussing with the French Government this question of the right to declare foodstuffs not intended for the military forces to be contraband, and when public attention had been drawn to the matter, the Kiel Chamber of Commerce applied to the German Government for a statement of the latter's views on the subject. Prince Bismarck's answer was as follows:

"In answer to their representation of the 1st instant, I reply to the chamber of commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity, which entails evil consequences not only on the combatants but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war, to the disadvantage of the subjects of the interfering power, and by this means German commerce might be weighed with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy and is a justifiable step in war if impartially enforced against all neutral ships."

His Majesty's Government are disposed to think that the same view is still maintained by the German Government.

Another circumstance which is now coming to light is that an elaborate machinery has been organized by the enemy for the supply of foodstuffs for the use of the German Army from overseas. Under these circumstances it would be absurd to give any definite pledge that in cases where the supplies can be proved to be for the use of the enemy forces they should be given complete immunity by the simple expedient of dispatching them to an agent in a neutral port.

The reason for drawing a distinction between foodstuffs intended for the civil population and those for the armed forces or enemy Government disappears when the distinction between the civil population and the armed forces itself disappears.

In any country in which there exists such a tremendous organization for war as now obtains in Germany there is no clear division between those whom the Government is responsible for feeding and those whom it is not. Experience shows that the power to requisition will be used to the fullest extent in order to make sure that the wants of the military are supplied, and however much goods may be imported for civil use it is by the military that they will be consumed if military exigencies require it, especially now that the German Government have taken control of all the foodstuffs in the country.

I do not wish to overburden this note with statistics, but in proof of my statement as to the unprecedented extent to which supplies are reaching neutral ports I should like to instance the figures of the exports of certain meat products to Denmark during the months of September and October. Denmark is a country which in normal times imports a certain quantity of such products, but exports still more. In 1913, during the above two months, the United States exports of lard to Denmark were nil, as compared with 22,652,598 pounds in the same two months of 1914. The corresponding figures with regard to bacon were: 1913, nil; 1914, 1,022,195 pounds; canned beef, 1913, nil; 1914, 151,200 pounds; pickled and cured beef, 1913, 42,901 pounds; 1914, 156,143 pounds; pickled pork, 1913, nil; 1914, 812,872 pounds.

In the same two months the United States exported to Denmark 280,176 gallons of mineral lubricating oil in 1914, as compared with 179,232 in 1913; to Norway, 335,468 gallons in 1914, as against 151,179 gallons in 1913; to Sweden, 896,193 gallons in 1914, as against 385,476 gallons in 1913.

I have already mentioned the framing of the order in council of the 20th October, and the transmission to your excellency of particulars of ships and cargoes seized as instances of the efforts which we have made throughout the course of this war to meet all reasonable complaints made on behalf of American citizens, and in my note of the 7th January I alluded to the decision of our prize court in the case of the *Miramichi* as evidencing the liberal principles adopted toward neutral commerce.

I should also like to refer to the steps which we took at the beginning of the war to insure the speedy release of cargo claimed by neutrals on board enemy ships which were captured or detained at the outbreak of war. Under our prize court rules release of such goods can be obtained without the necessity of entering a claim in the prize court if the documents of title are produced to the officer representing His Majesty's Government and the title to the goods is established to his satisfaction. It was shortly found, however, that this procedure did not provide for the case where the available evidence was so scanty that the officer representing the Crown was not justified in consenting to a release. In order, therefore, to ameliorate the situation we established a special committee, with full powers to authorize the release of goods without insisting on full evidence of title being produced. This committee dealt with the utmost expedition with a large number of claims. In the great majority of cases the goods claimed were released at once. In addition to the cases dealt with by this committee a very large amount of cargo was released at once by the procurator general on production of documents. Claimants therefore obtained their goods without the necessity of applying to the prize court and of incurring the expense involved in retaining lawyers and without the risk, which was in some cases a considerable one, of the goods being eventually held to be enemy property and condemned. We have reason to know that our action in this matter was highly appreciated by many American citizens.

Another instance of the efforts which His Majesty's Government have made to deal as leniently as possible with neutral interests may be found in the policy which we have followed with regard to the transfer to a neutral flag of enemy ships belonging to companies which were incorporated in the enemy country, but all of whose shareholders were neutral. The rules applied by the British and by the American prize courts have always treated the flag as conclusive in favor of the captors in spite of neutral proprietary interests. (See the case of the *Pedro*, 175 U. S. 354.) In several cases, however, we have consented to waive our belligerent rights to treat as enemy vessels ships belonging to companies incorporated in Germany which were subsidiary to and owned by American corporations. The only condition which we have imposed is that these vessels should take no further part in trade with the enemy country.

I have given these indications of the policy which we have followed, because I can not help feeling that if the facts were more fully known as to the efforts which we have made to avoid inflicting any avoidable injury on neutral interests, many of the complaints which have been received by the administration in Washington, and which led to the protest which your excellency handed to me on the 29th December would never have been made. My hope is that when the facts which I have set out above are realized, and when it is seen that our naval operations have not diminished American trade with neutral countries, and that the lines on which we have acted are consistent with the fundamental principles of international law, it will be apparent to the Government and people of the United States that His Majesty's Government have hitherto endeavored to exercise their belligerent rights with every possible consideration for the interests of neutrals.

It will still be our endeavor to avoid injury and loss to neutrals, but the announcement by the German Government of their intention to sink merchant vessels and their cargoes without verification of their nationality or character, and without making any provision for the safety of noncombatant crews or giving them a chance of saving their lives, has made it necessary for His Majesty's Government to consider what measures they should adopt to protect their interests. It is impossible for one belligerent to depart from rules and precedents and for the other to remain bound by them.

I have the honor, etc.,

E. GREY.

(Dip. Corr. 44-52.)

No. 18. American note, February 10, 1915, regarding the German declaration of a war zone.

(The Secretary of State to the American ambassador at Berlin.)

Please address a note immediately to the Imperial German Government to the following effect:

The Government of the United States, having had its attention directed to the proclamation of the German Admiralty issued on the 4th of February, that the waters surrounding Great Britain and Ireland, including the whole of the English Channel, are to be considered as comprised within the seat of war; that all enemy merchant vessels found in those waters after the 18th instant will be destroyed, although it may not always be possible to save crews and passengers; and that neutral vessels expose themselves to danger within this zone of war because, in view of the misuse of neutral flags said to have been ordered by the British Government on the 31st of January and of the contingencies of maritime warfare, it may not be possible always to exempt neutral vessels from attacks intended to strike enemy ships, feels it to be its duty to call the attention of the Imperial German Government, with sincere respect and the most friendly sentiments but very candidly and earnestly, to the very serious possibilities of the course of action apparently contemplated under that proclamation.

The Government of the United States views those possibilities with such grave concern that it feels it to be its privilege, and indeed its duty in the circumstances, to request the Imperial German Government to consider before action is taken the critical situation in respect of the relations between this country and Germany which might arise were the German naval forces, in carrying out the policy foreshadowed in the Admiralty's proclamation, to destroy any merchant vessel of the United States or cause the death of American citizens.

It is of course not necessary to remind the German Government that the sole right of a belligerent in dealing with neutral vessels on the high seas is limited to visit and search, unless a blockade is proclaimed and effectively maintained, which this Government does not understand to be proposed in this case. To declare or exercise a right to attack and destroy any vessel entering a prescribed area of the high seas without first certainly determining its belligerent nationality and the contraband character of its cargo would be an act so unprecedented in naval warfare that this Government is reluctant to

believe that the Imperial Government of Germany in this case contemplates it as possible. The suspicion that enemy ships are using neutral flags improperly can create no just presumption that all ships traversing a prescribed area are subject to the same suspicion. It is to determine exactly such questions that this Government understands the right of visit and search to have been recognized.

This Government has carefully noted the explanatory statement issued by the Imperial German Government at the same time with the proclamation of the German Admiralty, and takes this occasion to remind the Imperial German Government very respectfully that the Government of the United States is open to none of the criticisms for unneutral action to which the German Government believe the governments of certain other neutral nations have laid themselves open; that the Government of the United States has not consented to or acquiesced in any measures which may have been taken by the other belligerent nations in the present war which operate to restrain neutral trade, but has, on the contrary, taken in all such matters a position which warrants it in holding those governments responsible in the proper way for any untoward effects upon American shipping which the accepted principles of international law do not justify; and that it, therefore, regards itself as free in the present instance to take with a clear conscience and upon accepted principles the position indicated in this note.

If the commanders of German vessels of war should act upon the presumption that the flag of the United States was not being used in good faith and should destroy on the high seas an American vessel or the lives of American citizens, it would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral rights which it would be very hard indeed to reconcile with the friendly relations now so happily subsisting between the two Governments.

If such a deplorable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any steps it might be necessary to take to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas.

The Government of the United States, in view of these considerations, which it urges with the greatest respect and with the sincere purpose of making sure that no misunderstanding may arise and no circumstance occur that might even cloud the intercourse of the two Governments, expresses the confident hope and expectation that the Imperial German Government can and will give assurance that American citizens and their vessels will not be molested by the naval forces of Germany otherwise than by visit and search, though their vessels may be traversing the sea area delimited in the proclamation of the German Admiralty.

It is added for the information of the Imperial Government that representations have been made to His Britannic Majesty's Government in respect to the unwarranted use of the American flag for the protection of British ships.

BRYAN.

(Dip. Corr. 54-55.)

No. 19. American memorandum, February 10, 1915, concerning the use of the American flag by British vessels. (See No. 24.)

(The Secretary of State to the American ambassador at London.)

The department has been advised of the declaration of the German Admiralty on February 4, indicating that the British Government had on January 31 explicitly authorized the use of neutral flags on British merchant vessels presumably for the purpose of avoiding recognition by German naval forces. The department's attention has also been directed to reports in the press that the captain of the *Lusitania*, acting upon orders or information received from the British authorities, raised the American flag as his vessel approached the British coasts, in order to escape anticipated attacks by German submarines. To-day's press reports also contain an alleged official statement of the foreign office defending the use of the flag of a neutral country by a belligerent vessel in order to escape capture or attack by an enemy.

Assuming that the foregoing reports are true, the Government of the United States, reserving for future consideration the legality and propriety of the deceptive use of the flag of a neutral power in any case for the purpose of avoiding capture, desires very respectfully to point out to His Britannic Majesty's Government the serious consequences which may result to American vessels and American citizens if this practice is continued.

The occasional use of the flag of a neutral or an enemy under the stress of immediate pursuit and to deceive an approaching enemy, which appears by the press reports to be represented as the precedent and justification used to support this action, seems to this Government a very different thing from an explicit sanction by a belligerent government for its merchant ships generally to fly the flag of a neutral power within certain portions of the high seas which are presumed to be frequented with hostile warships. The formal declaration of such a policy of general misuse of a neutral's flag jeopardizes the vessels of the neutral visiting those waters in a peculiar degree by raising the presumption that they are of belligerent nationality regardless of the flag which they may carry.

In view of the announced purpose of the German Admiralty to engage in active naval operations in certain delimited sea areas adjacent to the coasts of Great Britain and Ireland, the Government of the United States would view with anxious solicitude any general use of the flag of the United States by British vessels traversing those waters. A policy such as the one which His Majesty's Government is said to intend to adopt, would, if the declaration of the German Admiralty is put in force, it seems clear, afford no protection to British vessels, while it would be a serious and constant menace to the lives and vessels of American citizens.

The Government of the United States, therefore, trusts that His Majesty's Government will do all in their power to restrain vessels of British nationality from the deceptive use of the flag of the United States in the sea area defined in the German declaration, since such practice would greatly endanger the vessels of a friendly power navigating those waters and would even seem to impose upon the Government of Great Britain a measure of responsibility for the loss of American lives and vessels in case of an attack by a German naval force.

Please present a note to Sir Edward Grey in the sense of the foregoing and impress him with the grave concern which this Government feels in the circumstances in regard to the safety of American vessels and lives in the war zone declared by the German Admiralty.

You may add that this Government is making earnest representations to the German Government in regard to the danger to American vessels and citizens if the declaration of the German Admiralty is put into effect.

(Dip. Corr. 55.)

No. 20. American note, February 15, 1915, regarding the *Wilhelmina*. (See also Nos. 25 and 40.)

(The Secretary of State to the American ambassador at London.)

The department notes that you have been informed by the British Government that the cargo of the American steamer *Wilhelmina* has been sent to prize court, but is not yet unloaded. The Government of the United States, of course, has no intention of interfering with the proper course of judicial procedure in the British prize courts, but it deems it proper to bring to the attention of the British Government information which has been received in relation to the character and destination of the cargo and to point out certain considerations prompting the supposition that the seizure may not be justified.

This Government is informed that the W. L. Green Commission Co., an American corporation organized in 1891, which in the past has made extensive shipments of goods to Germany, is the sole owner of the cargo which consists entirely of foodstuffs consigned to the W. L. Green Commission Co., Hamburg, and that the company's manager, now in Europe, has instructions to sell the cargo solely to the civilian population of Hamburg. A copy of the ship's manifest has been submitted to this Government, accompanied by a sworn statement from the company's manager in which he represents that he was instructed to proceed to Germany to dispose of the cargo to private purchasers in that country, and not to any belligerent government nor armed forces of such government, nor to any agent of a belligerent government or of its armed forces.

According to well-established practice among nations, admitted, as this Government understands by the Government of Great Britain, the articles of which the *Wilhelmina's* cargo is said to consist, are subject to seizure as contraband only in case they are destined for the use of a belligerent government or its armed forces. The Government of the United States understands that the British authorities consider the seizure of the cargo justified on the ground that a recent order of the Federal Council of Germany, promulgated after the vessel sailed, required the delivery of imported articles to the German Government. The owners of the cargo have represented to this Government that such a position is untenable. They point out that, by a provision of the order in question as originally announced, the regulations in relation to the seizure of food products are made inapplicable to such products imported after January 31, 1915. They further represent that the only articles shipped on the *Wilhelmina* which are embraced within the terms of these regulations are wheat and bran, which constitute about 15 per cent of the cargo as compared with 85 per cent consisting of meats, vegetables, and fruits. The owners also assert that the regulations contemplate the disposition of foodstuffs to individuals through municipalities; that municipalities are not agents of the Government, and that the purpose of the regulations is to conserve the supply of food products and to prevent speculation and inflation of prices to noncombatants.

The German Government has addressed a formal communication to the Government of the United States in relation to the effect of the decree issued by the German Federal Council, and this Government deems it pertinent to call to the attention of the British Government a material portion of this communication, which is as follows:

"1. The federal council's decision concerning the seizure of food products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, bears exclusively on wheat, rye, both unmixed and mixed with other products, and also wheat, rye, oats, and barley flour.

"2. The federal council makes an express exception in section 45 of the order. Section 45 provides as follows: The stipulations of this regulation do not apply to grain or flour imported from abroad after January 31.

"3. Conjointly with that saving clause the federal council's order contains a provision under which imported cereals and flours would be sold exclusively to the municipalities or certain specially designated organizations by the importers. Although that provision had for its object simply to throw imported grain and flours into such channels as supply the private consumption of civilians and, in consequence of that provision, the intent and purpose of the federal council's order which was to protect the civilian population from speculators and engrossers were fully met, it was nevertheless rescinded so as to leave no room for doubt.

"4. My Government is amenable to any proposition looking to control by a special American organization under the supervision of the American consular officers and, if necessary, will itself make a proposition in that direction.

"5. The German Government further calls attention to the fact that municipalities do not form part of or belong to the Government but are self-administrative bodies, which are elected by the inhabitants of the commune in accordance with fixed rules and therefore exclusively represent the private part of the population and act as it directs. Although those principles are generally known and obtain in the United States as well as in England itself, the German Government desired to point out the fact so as to avoid any further unnecessary delay.

"6. Hence it is absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively."

It will be observed that it is stated in this communication, which appears to confirm the contentions of the cargo owners, that a part of the order of the German Federal Council relating to imported food products has now been rescinded.

This Government has received another communication from the German Government giving formal assurance to the Government of the United States that all goods imported into Germany from the United States, directly or indirectly, which belong to the class of relative contraband, such as foodstuffs, will not be used by the German army or navy or by Government authorities, but will be left to the free consumption of the German civilian population, excluding all Government purveyors.

If the British authorities have not in their possession evidence other than that presented to this Government as to the character and destination of the cargo of the *Wilhelmina*, sufficient to warrant the seizure of this cargo, the Government of the United States hopes that the British Government will release the vessel together with her cargo and allow her to proceed to her port of destination.

Please communicate with the British Government in the sense of the foregoing.

BRYAN.

(Dip. Corr. 81-82.)

No. 21. German note, February 15, 1915, in reference to the proclamation of January 25 concerning foodstuffs (No. 13).

(The German ambassador to the Secretary of State.)

1. The federal council's decision concerning the seizure of food products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, is exclusively on "wheat, rye, both unmixed and mixed with other products," and also "wheat, rye, oats, and barley flour."

2. The federal council makes an express exception in section 45 of the order. Section 45 provides as follows: "The stipulations of this regulation do not apply to grain or flour imported from abroad after January 31."

3. Conjointly with that saving clause, the federal council's order contains a provision under which imported cereals and flours could be sold exclusively to the municipalities of certain specially designated organizations by the importers. Although that provision had for its object simply to throw imported grain and flour into such channels as supply the private consumption of civilians, and, in consequence of that provision, the intent and purpose of the federal council's order, which was to protect the civilian population from speculators and engrossers, were fully met, it was nevertheless rescinded so as to leave no room for doubt.

4. My Government is amenable to any proposition looking to control by a special American organization under the supervision of the American consular officers, and, if necessary, will itself make a proposition in that direction.

5. The German Government further calls attention to the fact that municipalities do not form part of or belong to the Government, but are "self-administrative bodies," which are elected by the inhabitants of the commune in accordance with fixed rules, and, therefore, exclusively represent the private part of the population and act as it directs. Although these principles are generally known and obtain in the United States, as well as in England itself, the German Government desired to point out the fact so as to avoid any further unnecessary delay.

6. Hence it is absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively, and there remains no doubt upon which England can prevent the exportation of food products from America to Germany for the use of civilians.

The Imperial Government expresses the firm hope that the American Government will stand on its right in this matter. (The New York Times, Feb. 18, 1915.)

No. 22. German statement, February 15, 1915, in regard to armed British merchantmen, the use of neutral flags and the mining of the war zone.

(Paraphrase of a note from the German ambassador to the Secretary of State.)

According to absolutely reliable information British merchant ships intend to oppose armed resistance to German men-of-war in the area declared as war zone by the German Admiralty.

Some of these ships were already armed with British naval guns. Now all the others are speedily being equipped in a similar way. Merchant ships have been instructed to sail in groups, and to ram German submarines, while the examination is proceeding, or should the submarines lie alongside, to throw bombs upon them, or else to attempt to overpower the examining party coming on board.

A very high premium has been offered for the destruction of the first German submarine by a British merchant vessel. Therefore, British merchant ships can not any more be considered as undefended, so that they may be attacked by German war vessels without warning or search. The British admitted that instructions had been given to misuse neutral flags. It is almost certain that British merchant vessels will by all means try to conceal their identity. Thereby, it also becomes almost impossible to ascertain the identity of neutral ships, unless they sail in daylight under convoy, as all measures suggested by neutrals, for instance painting of the ships in the national colors, may be promptly imitated by British ships. The attacks to be expected by masked British merchant vessels make a search impossible, as the examining party and the submarines themselves would thereby be exposed to destruction.

Under the circumstances, the safety of neutral shipping in the war zone around the British Isles is seriously threatened. There is also an increased danger resulting from mines, as these will be laid in the war zone to a great extent. Accordingly, neutral ships are urgently warned against entering that area, while the course around Scotland will be safe.

Germany has been compelled to resort to this kind of warfare by the murderous ways of British naval warfare, which aims at the destruction of legitimate neutral trade and at the starvation of the German people. Germany will be obliged to adhere to these announced principles till England submits to the recognized rules of warfare established by the declarations of Paris and London, or till she is compelled to do so by the neutral powers. (The New York Times, Feb. 16, 1915.)

No. 23. German note, February 16, 1915, replying to the American note of February 10 (No. 18), in regard to the declaration of a war zone.

(The minister for foreign affairs to the American ambassador.)

In reference to the note of the 12th instant, foreign office No. 2260, relative to the German measures respecting the theater of war in the waters surrounding England, the undersigned has the honor to reply to his excellency the ambassador of the United States, James W. Gerard, as follows:

The Imperial German Government have examined the communication of the Government of the United States in the same spirit of good will and friendship which seems to have prompted this communication.

The Imperial German Government are in entire accord with the Government of the United States that it is in the highest degree desirable for all parties to avoid the misunderstanding which might arise from the measures announced by the German Admiralty and to avert the intrusion of events calculated to interrupt the most friendly relations which have so happily existed between the two Governments up to this time.

On this assurance the German Government believe that they may depend on full understanding on the part of the United States, all the more because the action announced by the German Admiralty, as was dwelt upon at length in the note of the 4th instant, is in no wise

directed against the legitimate trade and navigation of neutral States, but merely represents an act of self-defense which Germany's vital interests force her to take against England's method of conducting maritime war in defiance of international law, which no protest on the part of neutrals has availed to bring into accordance with the legal status generally recognized before the outbreak of hostilities.

In order to exclude all possible doubt on this cardinal point the German Government beg to set forth once more the actual situation.

Up to now Germany has scrupulously observed the existing provisions of international law relative to maritime war. In particular she assented without delay to the proposal made by the American Government directly after the war began to ratify the declaration of London, and embodied the contents thereof without change in her prize law, even without formally binding herself in this direction. The German Government have adhered to these provisions, even where they conflicted with military interests. Our Government at the same time have permitted the supply of food by Denmark to England until the present, although they could well have prevented this traffic by reason of their naval forces.

In direct opposition to this, England has not shrunk from grave violations of international law wherever she could thereby cripple Germany's peaceful trade with neutral countries. It will not be necessary for the German Government to go into great detail on this point, especially since the American note to the British Government dated December 28, 1914, which has been brought to their knowledge, has dealt with this point very aptly if not very exhaustively on the ground of the experiences of months.

It is conceded that the intention of all these aggressions is to cut off Germany from all supplies, and thereby to deliver up to death by famine a peaceful civilian population, a procedure contrary to law of war and every dictate of humanity.

The neutrals have not been able to prevent this interception of different kinds of trade with Germany contrary to international law. It is true that the American Government have protested against England's procedure, and Germany is glad to acknowledge this; but, in spite of this protest and the protests of the other neutral Governments, England has not allowed herself to be dissuaded from the course originally adopted. Thus, the American ship *Wilhelmina* was recently brought into port by England, although her cargo was destined solely for the civil population of Germany and was to be used only for this purpose, according to an express declaration of the German Government.

In this way the following has been created: Germany is to all intents and purposes cut off from over-sea supplies with the toleration, tacit or protesting, of the neutrals, regardless of whether it is a question of goods which are absolute contraband or only conditional contraband or not contraband at all, following the law generally recognized before the outbreak of the war. On the other hand, England, with the indulgence of neutral Governments, is not only being provided with such goods as are not contraband or merely conditional contraband, namely, foodstuffs, raw material, etc., although these are treated by England when Germany is in question as absolute contraband, but also with goods which have been regularly and unquestionably acknowledged to be absolute contraband. The German Government believe that they are obliged to point out very particularly and with the greatest emphasis that a trade in arms exists between American manufacturers and Germany's enemies which is estimated at many hundred million marks.

The German Government have given due recognition to the fact that as a matter of form the exercise of rights and the toleration of wrong on the part of neutrals is limited by their pleasure alone and involves no formal breach of neutrality. The German Government have not, in consequence, made any charge of formal breach of neutrality. The German Government can not, however, do otherwise, especially in the interest of absolute clearness in the relations between the two countries, than to emphasize that they, in common with the public opinion of Germany, feel themselves placed at a great disadvantage through the fact that the neutral powers have hitherto achieved no success or only an unmeaning success in their assertion of the right to trade with Germany, acknowledged to be legitimate by international law, whereas they make unlimited use of their right to tolerate trade in contraband with England and our other enemies. Conceding that it is the formal right of neutrals not to protect their legitimate trade with Germany, and even to allow themselves knowingly and willingly to be induced by England to restrict such trade, it is on the other hand, not less their good right, although unfortunately not exercised, to stop trade in contraband, especially the trade in arms, with Germany's enemies.

In view of this situation the German Government see themselves compelled, after six months of patience and watchful waiting, to meet England's murderous method of conducting maritime war with drastic counter measures. If England invokes the powers of famine as an ally in its struggle against Germany with the intention of leaving a civilized people the alternative of perishing in misery or submitting to the yoke of England's political and commercial will, the German Government are to-day determined to take up the gantlet and to appeal to the same grim ally. They rely on the neutrals who have hitherto tacitly or under protest submitted to the consequences, detrimental to themselves, of England's war of famine to display not less tolerance toward Germany, even if the German measures constitute new forms of maritime war, as has hitherto been the case with the English measures.

In addition to this, the German Government are determined to suppress with all the means at their disposal the supply of war material to England and her allies and assume at the same time that it is a matter of course that the neutral Governments which have hitherto undertaken no action against the trade in arms which (sic) [with] Germany's enemies do not intend to oppose the forcible suppression of this trade by Germany.

Proceeding from these points of view, the German Admiralty has declared the zone prescribed by it the seat of war; it will obstruct this area of maritime war by mines wherever possible and also endeavor to destroy the merchant vessels of the enemy in any other way.

It is very far, indeed, from the intention of the German Government, acting in obedience to these compelling circumstances, ever to destroy neutral lives and neutral property; but, on the other hand, they can not be blind to the fact that dangers arise through the action to be carried out against England which menace without discrimination all trade within the area of maritime war. This applies, as a matter of course, to war mines, which place any ship approaching a mined area in danger, even if the limits of international law are adhered to most strictly.

The German Government believe that they are all the more justified in the hope that the neutral powers will become reconciled with this,

just as they have with the serious injury caused them thus far by England's measures, because it is their will to do everything in any way compatible with the accomplishment of their purpose for the protection of neutral shipping even within the area of maritime war.

They furnish the first proof of their good will by announcing the measures intended by them at a time not less than two weeks beforehand in order to give neutral shipping an opportunity to make the necessary arrangements to avoid the threatening danger. The safest method of doing this is to stay away from the area of maritime war. Neutral ships entering the closed waters in spite of this announcement, given so far in advance, and which seriously impairs the accomplishment of the military purpose against England, bear their own responsibility for any unfortunate accidents. The German Government, on their side, expressly decline all responsibility for such accidents and their consequences.

Furthermore, the German Government announced merely the destruction of enemy merchant vessels found within the area of maritime war and not the destruction of all merchant vessels, as the American Government appear to have erroneously understood. This limitation which the German Government have imposed upon themselves impairs the military purpose, especially since the presumption will prevail, even in the case of neutral ships, that they have contraband on board, in view of the interpretation of the idea of contraband in which the English Government have indulged as regards Germany and which the German Government will accordingly apply against England.

Naturally, the imperial Government are not willing to waive the right to establish the presence of contraband in the cargoes of neutral ships and, in cases requiring it, to take any action necessary on the grounds established. Finally, the German Government are prepared to accord, in conjunction with the American Government, the most earnest consideration to any measure that might be calculated to insure the safety of legitimate shipping of neutrals within the seat of war. They can not, however, overlook the fact that all efforts in this direction are considerably hampered by two circumstances: First, by the misuse of the neutral flag by English merchant vessels, which, in the meantime, has probably been established beyond a doubt by the American Government likewise; second, by the above-mentioned trade in contraband, especially war materials, by neutral merchant vessels. In regard to the latter point, the German Government venture to hope that the American Government, upon reconsideration, will see their way clear to a measure of intervention in accordance with the spirit of true neutrality.

As regards the first point, the secret order of the British Admiralty has already been communicated to the American Government by Germany. It recommends English merchant vessels to use neutral flags and has in the meantime been confirmed by a statement of the British foreign office, which refers to the municipal law of England and characterizes such action as quite unobjectionable. The English merchant marine has followed this counsel without delay, as is probably known to the American Government from the cases of the *Lusitania* and *Laertes*. Moreover, the British Government have armed English merchant vessels and instructed them to resist by force the German submarines. In these circumstances it is very difficult for the German submarines to recognize neutral merchant vessels as such, for even a search will not be possible in the majority of cases, since the attacks to be anticipated in the case of a disguised English ship would expose the commanders conducting a search and the boat itself to the danger of destruction.

The British Government would then be in a position to render the German measures illusory if their merchant marine persists in the misuse of neutral flags and neutral vessels are not marked in some other manner admitting of no possible doubt. Germany must, in the exigency into which she has unlawfully been forced, make her measures effective at all events in order thereby to compel her adversary to conduct maritime warfare in accordance with international law, and thus to reestablish the freedom of the seas, which she has ever advocated and for which she is fighting likewise to-day.

The German Government, therefore, welcome the fact that the American Government have made representations to the British Government relative to the use of their flag contrary to law, and give expression to the expectation that this action will cause England to respect the American flag in future.

In this expectation the commanders of the German submarines have been instructed, as was already stated in the note of the 4th instant, to abstain from violence to American merchant vessels when they are recognized as such.

In order to meet in the safest manner all the consequences of mistaking an American for a hostile merchant vessel, the German Government recommended that (although this would not apply in the case of danger from mines) the United States convoy their ships carrying peaceable cargoes and traversing the English seat of maritime war in order to make them recognizable. In this connection the German Government believe it should be made a condition that only such ships should be convoyed as carry no merchandise which would have to be considered as contraband, according to the interpretation applied by England against Germany. The German Government are prepared to enter into immediate negotiations with the American Government relative to the manner of convoy. They would, however, be particularly grateful if the American Government would urgently advise their merchant vessels to avoid the English seat of maritime war, at any rate until the flag question is settled.

The German Government resign themselves to the confident hope that the American Government will recognize the full meaning of the severe struggle which Germany is conducting for her very existence, and will gain full understanding of the reasons which prompt Germany and the aims of the measures announced by her from the above explanations and promises.

The German Government repeat that in the scrupulous consideration for neutrals hitherto practiced by them they have determined upon the measures planned only under the strongest compulsion of national self-preservation. Should the American Government at the eleventh hour succeed in removing, by virtue of the weight which they have the right and ability to throw into the scales of the fate of peoples, the reasons which have made it the imperative duty of the German Government to take the action indicated, should the American Government in particular find a way to bring about the observation of the declaration of London on the part of the powers at war with Germany and thereby to render possible for Germany the legitimate supply of foodstuffs and industrial raw materials, the German Government would recognize this as a service which could not be too highly estimated in favor of more humane conduct of war, and would gladly draw the necessary conclusions from the new situation thus created.

The undersigned requests the ambassador to bring the above to the attention of the American Government and avails himself of the opportunity to renew, etc.

VON JAGOW.

(Dip. Corr. 56-59.)

No. 24. British memorandum, February 19, 1915, concerning the use of the American flag by British vessels. (See No. 19.)

(The secretary of state for foreign affairs to the American ambassador.)

The memorandum communicated on the 11th of February calls attention in courteous and friendly terms to the action of the captain of the British S. S. *Lusitania* in raising the flag of the United States of America when approaching British waters and says that the Government of the United States feel a certain anxiety in considering the possibility of any general use of the flag of the United States by British vessels traversing those waters since the effect of such a policy might be to bring about a menace to the lives and vessels of United States citizens.

It was understood that the German Government had announced their intention of sinking British merchant vessels at sight by torpedoes without giving any opportunity of making any provision for saving the lives of noncombatant crews and passengers. It was in consequence of this threat that the *Lusitania* raised the United States flag on her inward voyage and on her subsequent outward voyage. A request was made by the United States passengers who were embarking on board her that the United States flag should be hoisted presumably to insure their safety. Meanwhile the memorandum from your excellency had been received. His Majesty's Government did not give any advice to the company as to how to meet this request, and it is understood that the *Lusitania* left Liverpool under the British flag.

It seems unnecessary to say more as regards the *Lusitania* in particular regard to the use of foreign flags by merchant vessels. The British merchant shipping act makes it clear that the use of the British flag by foreign merchant vessels is permitted in time of war for the purpose of escaping capture. It is believed that in the case of some other nations there is a similar recognition of the same practice with regard to their flags and that none have forbidden it. It would therefore be unreasonable to expect His Majesty's Government to pass legislation forbidding the use of foreign flags by British merchant vessels to avoid capture by the enemy. Now that the German Government have announced their intention to sink merchant vessels at sight with their noncombatant crews, cargoes, and papers, a proceeding hitherto regarded by the opinion of the world not as war, but as piracy, it is felt that the United States Government could not fairly ask the British Government to order British merchant vessels to forego the means—always hitherto permitted—of escaping not only capture, but the much worse fate of sinking and destruction. Great Britain has always when neutral accorded to the vessels of other States at war liberty to use the British flag as a means of protection against capture, and instances are on record when United States vessels availed themselves of this facility during the American Civil War. It would be contrary to fair expectation if now when the conditions are reversed the United States and neutral nations were to grudge to British ships liberty to take similar action. The British Government have no intention of advising their merchant shipping to use foreign flags as general practice or to resort to them otherwise than for escaping capture or destruction.

The obligation upon a belligerent warship to ascertain definitely for itself the nationality and character of a merchant vessel before capturing it and a fortiori before sinking and destroying it has been universally recognized. If that obligation is fulfilled hoisting a neutral flag on board a British vessel can not possibly endanger neutral shipping, and the British Government hold that if loss to neutrals is caused by disregard of this obligation it is upon the enemy vessel disregarding it and upon the government giving orders that it should be disregarded that the sole responsibility for injury to neutrals ought to rest. (Dip. Corr. 59.)

No. 25. British memorandum, February 19, 1915, regarding the *Wilhelmina*. (See No. 20.)

(The secretary of state for foreign affairs to the American ambassador.)

The communication made by the United States ambassador in his note to Sir Edward Grey, of the 16th instant, has been carefully considered, and the following observations are offered in reply.

2. At the time when His Majesty's Government gave directions for the seizure of the cargo of the steamship *Wilhelmina* as contraband they had before them the text of the decree made by the German Federal Council on the 25th of January, under article 45 of which all grain and flour imported into Germany after the 31 of January was declared deliverable only to certain organizations under direct government control or to municipal authorities. The vessel was bound for Hamburg, one of the free cities of the German Empire, the government of which is vested in the municipality. This was one of the reasons actuating His Majesty's Government in deciding to bring the cargo of the *Wilhelmina* before the prize court.

3. Information has only now reached them that by a subsequent decree, dated the 6th of February, the above provision in article 45 of the previous decree was repealed, it would appear for the express purpose of rendering difficult the anticipated proceedings against the *Wilhelmina*. The repeal was not known to His Majesty's Government at the time of detention of the cargo or indeed, until now.

4. How far the ostensible exception of imported supplies from the general Government monopoly of all grain and flour set up by the German Government may affect the question of the contraband nature of the shipment seized is a matter which will most suitably be investigated by the prize court.

5. It is, however, necessary to state that the German decree is not the only ground on which the submission of the cargo of the *Wilhelmina* to a prize court is justified. The German Government have in public announcements claimed to treat practically every town or port on the English east coast as a fortified place and base of operations. On the strength of this contention they have subjected to bombardment the open towns of Yarmouth, Scarborough, and Whitby, among others. On the same ground a number of neutral vessels sailing for English ports on the east coast with cargoes of goods on the German list of conditional contraband have been seized by German cruisers and brought before the German prize court. Again, the Dutch vessel *Marie*, having sailed from California with a cargo of grain consigned to Dublin and Belfast, was sunk in September last by the German cruiser *Karlsruhe*. This could only have been justified if, among other things, the cargo could have been proved to be destined for the British Government or armed forces, and if a presumption to this effect had been established owing to Dublin or Belfast being considered a fortified place or a base for the armed forces.

6. The German Government can not have it both ways. If they consider themselves justified in destroying by bombardment the lives and property of peaceful civil inhabitants of English open towns and watering places and in seizing and sinking ships and cargoes of conditional contraband on the way thither on the ground that they were consigned to a fortified place or base, "a fortiori," His Majesty's Government must be at liberty to treat Hamburg, which is in part protected by the fortifications at the mouth of the Elbe, as a fortified town and a base of operations and supply for the purposes of article 34 of the declaration of London. If the owners of the cargo of the *Wilhelmina* desire to question the validity in international law of the action taken by order of His Majesty's Government, they will have every opportunity of establishing their case in due course before the prize court, and His Majesty's Government would in this connection recall the attention of the United States Government to the considerations put forward in Sir Edward Grey's note to Mr. Page of the 10th instant as to the propriety of awaiting the result of prize-court proceedings before diplomatic action is initiated. It will be remembered that they have from the outset given a definite assurance that the owners of the *Wilhelmina*, as well as the owners of her cargo, if found not to be contraband, would be equitably indemnified.

7. There is one further observation to which His Majesty's Government think it right and appropriate in the present connection to give expression. They have not so far declared foodstuffs to be absolute contraband. They have not interfered with any neutral vessels on account of their carrying foodstuffs, except on the basis of such foodstuffs being liable to capture if destined for the enemy forces or Governments. In so acting they have been guided by the general principle, of late universally upheld by civilized nations and observed in practice, that the civil populations of countries at war are not to be exposed to the treatment rightly reserved for combatants. This distinction has to all intents and purposes been swept away by the novel doctrines proclaimed and acted upon by the German Government.

8. It is unnecessary here to dwell upon the treatment that has been meted out to the civil population of Belgium and those parts of France which are in German occupation. When Germany, long before any mines had been laid by British authorities, proceeded to sow mines upon the high seas, and by this means sunk a considerable number not only of British but also of neutral merchantmen, with their unoffending crews, it was, so His Majesty's Government held, open to them to take retaliatory measures, even if such measures were of a kind to involve pressure of the civil population—not, indeed, of neutral States, but of their enemies. They refrained from doing so.

9. When subsequently English towns and defenseless British subjects, including women and children, were deliberately and systematically fired upon and killed by ships flying the flag of the Imperial German Navy, when quiet country towns and villages void of defenses and possessing no military or naval importance were bombarded by German airships, His Majesty's Government still abstained from drawing the logical consequences from this form of attack on defenseless citizens. Further steps in the same direction are now announced, and, in fact, have already been taken by Germany. British merchant vessels have been torpedoed at sight, without any attempt being made to give warning to the crew or any opportunity being given to save their lives; a torpedo has been fired against a British hospital ship in daylight, and similar treatment is threatened to all British merchant vessels in future, as well as to any neutral ships that may happen to be found in the neighborhood of the British Isles.

10. Faced with this situation, His Majesty's Government consider it would be altogether unreasonable that Great Britain and her allies should be expected to remain indefinitely bound, to their grave detriment, by rules and principles of which they recognize the justice if impartially observed as between belligerents, but which are at the present moment openly set at defiance by their enemy.

11. If, therefore, His Majesty's Government should hereafter feel constrained to declare foodstuffs absolute contraband or to take other measures for interfering with German trade by way of reprisals, they confidently expect that such action will not be challenged on the part of neutral States by appeals to laws and usages of war whose validity rests on their forming an integral part of that system of international doctrine which as a whole their enemy frankly boasts the liberty and intention to disregard, so long as such neutral States can not compel the German Government to abandon methods of warfare which have not in recent history been regarded as having the sanction of either law or humanity. (Dip. Corr., 82-83.)

No. 26. American note, February 20, 1915, proposing mutual concessions in the conduct of naval warfare:

(The Secretary of State to the American ambassador at London. Same to the American ambassador at Berlin. See German answer, No. 27; English, No. 32.)

You will please deliver to Sir Edward Grey the following identic note, which we are sending England and Germany:

In view of the correspondence which has passed between this Government and Great Britain and Germany, respectively, relative to the declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this Government ventures to express the hope that the two belligerent Governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it, of course, fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German Governments on a matter of capital interest to the whole world.

Germany and Great Britain to agree:

1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines except within cannon range of harbors for defensive purposes only; and that all mines shall bear the stamp of the Government planting them and be so constructed as to become harmless if separated from their moorings.

2. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

3. That each will require their respective merchant vessels not to use neutral flags for the purpose of disguise or ruse de guerre.

Germany to agree:

That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control without interference on the part of the German Government, of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German Government entitling them to receive and furnish such food and foodstuffs to noncombatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever or be diverted to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States either in its present form or in a modified form until accepted by this Government.

BRYAN.

(Dip. Corr., 59-60.)

No. 27. German note, February 28, 1915, accepting in substance the American proposal of February 20 (No. 26).

(The minister for foreign affairs to the American ambassador.)

The undersigned has the honor to inform his excellency, Mr. James W. Gerard, ambassador of the United States of America, in reply to the note of the 22d instant that the Imperial German Government have taken note with great interest of the suggestion of the American Government that certain principles for the conduct of maritime war on the part of Germany and England be agreed upon for the protection of neutral shipping. They see therein new evidence of the friendly feelings of the American Government toward the German Government which are fully reciprocated by Germany.

It is in accordance with Germany's wishes also to have maritime war conducted according to rules which without discriminately restricting one or the other of the belligerent powers in the use of their means of warfare are equally considerate of the interests of neutrals and the dictates of humanity. Consequently it was intimated in the German note of the 16th instant that observation of the declaration of London on the part of Germany's adversaries would create a new situation from which the German Government would gladly draw the proper conclusions.

Proceeding from this view, the German Government have carefully examined the suggestion of the American Government and believe that they can actually see in it a suitable basis for the practical solution of the questions which have arisen.

With regard to the various points of the American note they beg to make the following remarks:

1. With regard to the sowing of mines, the German Government would be willing to agree as suggested not to use floating mines and to have anchored mines constructed as indicated. Moreover, they agree to put the stamp of the Government on all mines to be planted. On the other hand, it does not appear to them to be feasible for the belligerents wholly to forego the use of anchored mines for offensive purposes.

2. The German Government would undertake not to use their submarines to attack mercantile of any flag except when necessary to enforce the right of visit and search. Should the enemy nationality of the vessel or the presence of contraband be ascertained submarine would proceed in accordance with the general rules of international law.

3. As provided in the American note, this restriction of the use of the submarines is contingent on the fact that enemy mercantile abstain from the use of the neutral flag and other neutral distinctive marks. It would appear to be a matter of course that such mercantile also abstain from arming themselves and from all resistance by force, since such procedure contrary to international law would render impossible any action of the submarines in accordance with international law.

4. The regulation of legitimate importations of food into Germany suggested by the American Government appears to be in general acceptable. Such regulation would, of course, be confined to importations by sea, but that would, on the other hand, include indirect importations by way of neutral ports. The German Government would therefore be willing to make the declarations of the nature provided in the American note so that the use of the imported food and foodstuffs solely by the noncombatant population would be guaranteed. The Imperial Government must, however, in addition (*) (*) (apparent omission) having the importation of other raw material used by the economic system of noncombatants including forage permitted. To that end the enemy Governments would have to permit the free entry into Germany of the raw materials mentioned in the free list of the declaration of London, and to treat materials included in the list of conditional contraband according to the same principles as food and foodstuffs.

The German Government ventures to hope that the agreement for which the American Government has paved the way may be reached after due consideration of the remarks made above, and that in this way peaceable neutral shipping and trade will not have to suffer any more than is absolutely necessary from the unavoidable effects of maritime war. These effects could be still further reduced if, as was pointed out in the German note of the 16th instant, some way could be found to exclude the shipping of munitions of war from neutral countries to belligerents on ships of any nationality.

The German Government must, of course, reserve a definite statement of their position until such time as they may receive further information from the American Government enabling them to see what obligations the British Government are on their part willing to assume.

The undersigned avails himself of this occasion, etc.

VON JAGOW.

(Dip. Corr., 60-61.)

No. 28. British and French declaration, March 1, 1915, in restraint of sea-borne commerce with Germany. (Statement read by the British

prime minister in the House of Commons and communicated to the neutral powers.)

(The British ambassador at Washington to the Secretary of State.)

Germany has declared that the English Channel, the north and west coasts of France, and the waters around the British Isles are a war area, and has officially notified that all enemy ships found in that area will be destroyed and that neutral vessels may be exposed to danger. This is in effect a claim to torpedo at sight, without regard to the safety of the crew or passengers, any merchant vessel under any flag. As it is not in the power of the German admiralty to maintain any surface craft in these waters, this attack can only be delivered by submarine agency.

The law and custom of nations in regard to attacks on commerce have always presumed that the first duty of the captor of a merchant vessel is to bring it before a prize court where it may be tried, where the regularity of the capture may be challenged, and where neutrals may recover their cargoes. The sinking of prizes is in itself a questionable act, to be resorted to only in extraordinary circumstances and after provision has been made for the safety of all the crew or passengers, if there are passengers on board. The responsibility for discriminating between neutral and enemy vessels and between neutral and enemy cargo, obviously rests with the attacking ship, whose duty it is to verify the status and character of the vessel and cargo and to preserve all papers before sinking or even capturing it. So also is the humane duty of providing for the safety of the crews of merchant vessels, whether neutral or enemy, an obligation upon every belligerent.

It is upon this basis that all previous discussions of the law for regulating warfare at sea have proceeded. A German submarine, however, fulfills none of these obligations; she enjoys no local command of the waters in which she operates; she does not take her captives within the jurisdiction of a prize court; she carries no prize crew which she can put on board a prize; she uses no effective means of discriminating between a neutral and an enemy vessel; she does not receive on board for safety the crew and passengers of the vessel she sinks; her methods of warfare are therefore entirely outside the scope of any of the international instruments regulating operations against commerce in time of war. The German declaration substitutes indiscriminate destruction for regulated capture. Germany is adopting these methods against peaceful traders and noncombatant crews with the avowed object of preventing commodities of all kinds, including food for the civil population from reaching or leaving the British Isles or northern France.

Her opponents are therefore driven to frame retaliatory measures in order in their turn to prevent commodities of any kind from reaching or leaving Germany. These measures will, however, be enforced by the British and French Governments without risk to neutral ships or to neutral or noncombatant life and in strict observance of the dictates of humanity. The British and French Governments will therefore hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation. The treatment of vessels and cargoes which have sailed before this date will not be affected.

Cecil Spring Rice.

(Dip. Corr., 61-62.)

No. 29. Resolution of Congress, March 4, 1915, safeguarding the neutrality of American waters.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this resolution, and during the existence of a war to which the United States is not a party and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters, as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel of American or foreign registry, or license, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ships of a belligerent nation in violation of the obligations of the United States as a neutral nation.

In case any such vessel of American register or license shall depart or attempt to depart from the jurisdiction of the United States, without clearance, for any of the purposes, the owner or master, or person or persons having charge or command of such vessel, shall severally be liable to a fine of not less than \$2,000 nor more than \$10,000 or to imprisonment not to exceed two years, or both; and in addition such vessels shall be forfeited to the United States.

That the President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all lands and water, continental or insular, within the jurisdiction of the United States. (The New York Times, Mar. 4, 1915.)

No. 30. American note, March 5, 1915, inquiring how the restraint upon sea-borne commerce with Germany is to be effected. (See Nos. 28, 33, 34, and 35.)

(The Secretary of State to the American ambassador at London.)

In regard to the recent communications received from the British and French Governments concerning restraints upon commerce with Germany, please communicate with the British foreign office in the sense following:

The difficulty of determining action upon the British and French declarations of intended retaliation upon commerce with Germany lies in the nature of the proposed measures in their relation to commerce by neutrals.

While it appears that the intention is to interfere with and take into custody all ships both outgoing and incoming, trading with Germany, which is in effect a blockade of German ports, the rule of blockade, that a ship attempting to enter or leave a German port regardless of the character of its cargo may be condemned, is not asserted.

The language of the declaration is: "The British and French Governments will therefore hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation."

The first sentence claims a right pertaining only to a state of blockade. The last sentence proposes a treatment of ships and cargoes as if no blockade existed. The two together present a proposed course of action previously unknown to international law.

As a consequence neutrals have no standard by which to measure their rights or to avoid danger to their ships and cargoes. The paradoxical situation thus created should be changed and the declaring powers ought to assert whether they rely upon the rules governing a blockade or the rules applicable when no blockade exists.

The declaration presents other perplexities.

The last sentence quoted indicates that the rules of contraband are to be applied to cargoes detained. The rule covering noncontraband articles carried in neutral bottoms is that the cargoes shall be released and the ships allowed to proceed. This rule can not, under the first sentence quoted, be applied as to destination. What then is to be done with a cargo of noncontraband goods detained under the declaration? The same question may be asked as to conditional contraband cargoes.

The foregoing comments apply to cargoes destined for Germany. Cargoes coming out of German ports present another problem under the terms of the declaration. Under the rules governing enemy exports only goods owned by enemy subjects in enemy bottoms are subject to seizure and condemnation. Yet by the declaration it is purposed to seize and take into port all goods of enemy "ownership and origin." The word "origin" is particularly significant. The origin of goods destined to neutral territory on neutral ships is not and never has been a ground for forfeiture except in case a blockade is declared and maintained. What then would the seizure amount to in the present case except to delay the delivery of the goods? The declaration does not indicate what disposition would be made of such cargoes if owned by a neutral or if owned by an enemy subject. Would a different rule be applied according to ownership? If so, upon what principles of international law would it rest? And upon what rule if no blockade is declared and maintained could the cargo of a neutral ship sailing out of a German port be condemned? If it is not condemned, what other legal course is there but to release it?

While this Government is fully alive to the possibility that the methods of modern naval warfare, particularly in the use of the submarine for both defensive and offensive operations, may make the former means of maintaining a blockade a physical impossibility, it feels that it can be urged with great force that there should be also some limit to "the radius of activity," and especially so if this action by the belligerents can be construed to be a blockade. It would certainly create a serious state of affairs if, for example, an American vessel laden with a cargo of German origin should escape the British patrol in European waters only to be held up by a cruiser off New York and taken into Halifax.

Similar cablegram sent to Paris.

BRYAN.

(Dip. Corr. 62-63.)

No. 31. British proclamation, March 11, 1915, once more revising the list of contraband of war. (See No. 10.)

Whereas on the 23d day of December, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband during the continuance of hostilities or until we did give further public notice; and

Whereas it is expedient to make certain additions to the lists contained in the said proclamation:

Now, therefore, we do hereby declare, by and with the advice of our privy council, that during the continuance of the war or until we do give further public notice the following articles will be treated as absolute contraband in addition to those set out in our royal proclamation aforementioned:

Raw wool, wool tops, and nolls, and woolen and worsted yarns.

Tin, chloride of tin, tin ore.

Castor oil.

Paraffin wax.

Copper iodide.

Lubricants.

Hides of cattle, buffaloes, and horses; skins of calves, pigs, sheep, goats, and deer; leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing.

Ammonia and its salts, whether simple or compound; ammonia liquor, urea, aniline, and their compounds.

And we do hereby declare that the following articles will be treated as conditional contraband in addition to those set out in our royal proclamation aforementioned:

Tanning substances of all kinds (including extracts for use in tanning).

And we do hereby further declare that the terms "foodstuffs" and "feeding stuffs for animals" in the list of conditional contraband contained in our royal proclamation aforementioned shall be deemed to include oleaginous seeds, nuts, and kernels; animal and vegetable oils and fats (other than linseed oil) suitable for use in the manufacture of margarine; and cakes and meals made from oleaginous seeds, nuts, and kernels. (Dip. Corr. 17-18.)

No. 32. British memorandum, March 13, 1915, rejecting the American proposal of February 20 (No. 26).

(The secretary of state for foreign affairs to the American ambassador.)

On the 22d of February last I received a communication from your excellency of the identical note addressed to His Majesty's Government and to Germany, respecting an agreement on certain points as to the conduct of the war at sea. The reply of the German Government to this note has been published, and it is not understood from the reply that the German Government are prepared to abandon the practice of sinking British merchant vessels by submarines, and it is evident from their reply that they will not abandon the use of mines for offensive purposes on the high seas as contrasted with the use of mines for defensive purposes only within cannon range of their own harbors, as suggested by the Government of the United States. This being so, it might appear unnecessary for the British Government to make any further reply than to take note of the German answer. We desire, however, to take the opportunity of making a fuller statement of the whole position and of our feeling with regard to it. We recognize with sympathy the desire of the Government of the United States to see the European war conducted in accordance with the previously recognized rules of international law and the dictates of humanity. It is thus that the British forces have conducted the war, and we are not aware that these forces, either naval or military, can have laid to their charge any improper proceedings, either in the conduct of hostilities or in the treatment of prisoners or wounded. On the German side it has been very different.

1. The treatment of civilian inhabitants in Belgium and the north of France has been made public by the Belgian and French Governments and by those who have had experience of it at first hand. Modern history affords no precedent for the sufferings that have been inflicted on the defenseless and noncombatant population in the territory that has been in German military occupation. Even the food of the population was confiscated until in Belgium an international commission, largely influenced by American generosity and conducted under American auspices, came to the relief of the population and secured from the German Government a promise to spare what food was still left in the country, though the Germans still continue to make levies in money upon the defenseless population for the support of the German army.

2. We have from time to time received most terrible accounts of the barbarous treatment to which British officers and soldiers have been exposed after they have been taken prisoner while being conveyed to German prison camps; one or two instances have already been given to the United States Government founded upon authentic and first-hand evidence which is beyond doubt. Some evidence has been received of the hardships to which British prisoners of war are subjected in the prison camps, contrasting, we believe, most unfavorably with the treatment of German prisoners in this country. We have proposed, with the consent of the United States Government, that a commission of United States officers should be permitted in each country to inspect the treatment of prisoners of war. The United States Government have been unable to obtain any reply from the German Government to this proposal, and we remain in continuing anxiety and apprehension as to the treatment of British prisoners of war in Germany.

3. At the very outset of the war a German mine layer was discovered laying a mine field on the high seas. Further mine fields have been laid from time to time without warning, and, so far as we know, are still being laid on the high seas, and many neutral as well as British vessels have been sunk by them.

4. At various times during the war German submarines have stopped and sunk British merchant vessels, thus making the sinking of merchant vessels a general practice, though it was admitted previously, if at all, only as an exception, the general rule to which the British Government have adhered being that merchant vessels, if captured, must be taken before a prize court. In one case already quoted in a note to the United States Government a neutral vessel carrying foodstuffs to a fortified town in Great Britain has been sunk. Another case is now reported in which a German armed cruiser has sunk an American vessel, the *William P. Frye*, carrying a cargo of wheat from Seattle to Queenstown. In both cases the cargoes were presumably destined for the civil population. Even the cargoes in such circumstances should not have been condemned without the decision of a prize court, much less should the vessels have been sunk. It is to be noted that both these cases occurred before the detention by the British authorities of the *Wilhelmina* and her cargo of foodstuffs which the German Government allege is the justification for their own action. The Germans have announced their intention of sinking British merchant vessels by torpedo without notice and without any provision for the safety of the crew. They have already carried out this intention in the case of neutral as well as of British vessels, and a number of noncombatant and innocent lives on British vessels, unarmed and defenseless, have been destroyed in this way.

5. Unfortified, open, and defenseless towns, such as Scarborough, Yarmouth, and Whitby, have been deliberately and wantonly bombarded by German ships of war, causing in some cases considerable loss of civilian life, including women and children.

6. German air craft have dropped bombs on the east coast of England where there were no military or strategic points to be attacked. On the other hand, I am aware of but two criticisms that have been made on British action in all these respects: (1) It is said that the British naval authorities also have laid some anchored mines on the high seas. They have done so, but the mines were anchored and so constructed that they would be harmless if they went adrift, and no mines whatever were laid by the British naval authorities till many weeks after the Germans had made a regular practice of laying mines on the high seas. (2) It is said that the British Government have departed from the view of international law which they had previously maintained that foodstuffs destined for the civil population should never be interfered with, this charge being founded on the submission to a prize court of the cargo of the *Wilhelmina*. The special considerations affecting this cargo have already been presented in a memorandum to the United States Government, and I need not repeat them here. Inasmuch as the stoppage of all foodstuffs is an admitted consequence of blockade, it is obvious that there can be no universal rule based on considerations of morality and humanity which is contrary to this practice. The right to stop foodstuffs destined for the civil population must therefore in any case be admitted if an effective "cordon" controlling intercourse with the enemy is drawn, announced, and maintained. Moreover, independently of rights arising from belligerent action in the nature of blockade, some other nations, differing from the opinion of the Governments of the United States and Great Britain, have held that to stop the food of the civil population is a natural and legitimate method of bringing pressure to bear on an enemy country, as it is upon the defense of a besieged town. It is also upheld on the authority of both Prince Bismarck and Count Caprivi, and therefore presumably is not repugnant to German morality. The following are the quotations from Prince Bismarck and Count Caprivi on this point. Prince Bismarck, in answering, in 1885, an application from the Kiel Chamber of Commerce for a statement of the view of the German Government on the question of the right to declare as contraband foodstuffs that were not intended for military forces, said: "I reply to the chamber of commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity which entails evil consequences, not only on the combatants but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war to the disadvantage of the subjects of the interfering power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships." Count Caprivi, during a discussion in the German Reichstag on the 4th of March, 1892, on the subject of the importance of international protection for private property at sea, made the following statements: "A country may be dependent for her food or for her raw products upon her trade. In fact, it may be absolutely necessary to

destroy the enemy's trade." * * * "The private introduction of provisions into Paris was prohibited during the siege, and in the same way a nation would be justified in preventing the import of food and raw produce." The Government of Great Britain have frankly declared, in concert with the Government of France, their intention to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves stopping supplies going to or Germany by sea. The difference between the two policies is, however, effectively controlling by cruiser "cordon" all passage to and from Germany by sea. The difference between the two policies is, however, that while our object is the same as that of Germany, we propose to attain it without sacrificing neutral ships or noncombatant lives or inflicting upon neutrals the damage that must be entailed when a vessel and its cargo are sunk without notice, examination, or trial. I must emphasize again that this measure is a natural and necessary consequence of the unprecedented methods, repugnant to all law and morality, which have been described above, which Germany began to adopt at the very outset of the war, and the effects of which have been constantly accumulating. (Dip. Corr. 64-65.)

No. 33. British note, March 15, 1915, replying to the American inquiry about the restraint on sea-borne commerce with Germany (No. 30). (The secretary of state for foreign affairs to the American ambassador.)

1. His Majesty's Government have had under careful consideration the inquiries which, under instructions from your Government, your excellency addressed to me on the 8th instant regarding the scope and mode of application of the measures, foreshadowed in the British and French declarations of the 1st of March, for restricting the trade of Germany. Your excellency explained and illustrated by reference to certain contingencies the difficulty of the United States Government in adopting a definite attitude toward these measures by reason of uncertainty regarding their bearing upon the commerce of neutral countries.

2. I can at once assure your excellency that subject to the paramount necessity of restricting German trade His Majesty's Government have made it their first aim to minimize inconvenience to neutral commerce. From the accompanying copy of the order in council, which is to be published to-day, you will observe that a wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order. I apprehend that the perplexities to which your excellency refers will for the most part be dissipated by the perusal of this document and that it is only necessary for me to add certain explanatory observations.

3. The effect of the order in council is to confer certain powers upon the executive officers of His Majesty's Government. The extent to which those powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation are matters which will depend on the administrative orders issued by the Government and the decisions of the authorities specially charged with the duty of dealing with individual ships and cargoes, according to the merits of each case. The United States Government may rest assured that the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view and of showing in every case such consideration for neutrals as may be compatible with that object which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany.

4. His Majesty's Government have felt most reluctant at the moment of initiating a policy of blockade to exact from neutral ships all the penalties attaching to a breach of blockade. In their desire to alleviate the burden which the existence of a state of war at sea must inevitably impose on neutral sea-borne commerce, they declare their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes which belligerents have always claimed in respect of breaches of blockade. They restrict their claim to the stopping of cargoes destined for or coming from the enemy's territory.

5. As regards cotton, full particulars of the arrangements contemplated have already been explained. It will be admitted that every possible regard has been had to the legitimate interests of the American cotton trade.

6. Finally, in reply to the penultimate paragraph of your excellency's note, I have the honor to state that it is not intended to interfere with neutral vessels carrying enemy cargo of noncontraband nature outside European waters, including the Mediterranean. (Dip. Corr. 65.)

No. 34. British order in council, March 15, 1915, in restraint of sea-borne commerce with Germany.

Whereas the German Government has issued certain orders which, in violation of the usages of war, purport to declare the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels will be destroyed, irrespective of the safety of the lives of passengers and crew, and in which neutral shipping will be exposed to similar danger in view of the uncertainties of naval warfare; and

Whereas in a memorandum accompanying the said orders neutrals are warned against entrusting crews, passengers, or goods to British or allied ships; and

Whereas such attempts on the part of the enemy give to His Majesty an unquestionable right of retaliation; and

Whereas His Majesty has therefore decided to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany, though such measures will be enforced without risk to neutral ships or to neutral or noncombatant life and in strict observance of the dictates of humanity; and

Whereas the allies of His Majesty are associated with him in the steps now to be announced for restricting further the commerce of Germany:

His Majesty is therefore pleased, by and with the advice of his privy council, to order and it is hereby ordered as follows:

1. No merchant vessel (sic) which sailed from her port of departure after the 1st March, 1915, shall be allowed to proceed on her voyage to any German port.

Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board any such vessel must be discharged in a British port and placed in the custody of the marshal of the prize court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just, to the person entitled thereto.

2. No merchant vessel which sailed from any German port after the 1st March, 1915, shall be allowed to proceed on her voyage with any goods on board laden at such port.

All goods laden at such port must be discharged in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and if not requisitioned for the use of His Majesty shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

Provided, That no proceeds of the sale of such goods shall be paid out of court until the conclusion of peace, except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

Provided also, That nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper officer of the Crown.

3. Every merchant vessel which sailed from her port of departure after the 1st of March, 1915, on her way to a port other than a German port, carrying goods with an enemy destination or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court upon such terms as the court may in the circumstances deem to be just to the person entitled thereto.

Provided, That this article shall not apply in any case falling within articles 2 or 4 of this order.

4. Every merchant vessel which sailed from a port other than a German port after the 1st of March, 1915, having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and if not requisitioned for the use of His Majesty shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

Provided that no proceeds of sale of such goods shall be paid out of court until the conclusion of peace, except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

Provided, also, that nothing herein shall prevent the release of neutral property of enemy origin on the application of the proper officer of the Crown.

5. Any person claiming to be interested in, or to have any claim in respect of, any goods (not being contraband of war) placed in the custody of the marshal of the prize court under this order, or in the proceeds of such goods, may forthwith issue a writ in the prize court against the proper officer of the Crown and apply for an order that the goods should be restored to him, or that their proceeds should be paid to him, or for such other order as the circumstances of the case may require.

The practice and procedure of the prize court shall, so far as applicable, be followed mutatis mutandis in any proceedings consequential upon this order.

6. A merchant vessel which has cleared for a neutral port from a British or allied port, or which has been allowed to pass, having an ostensible destination to a neutral port, and proceeds to an enemy port, shall, if captured on any subsequent voyage, be liable to condemnation.

7. Nothing in this order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this order.

8. Nothing in this order shall prevent the relaxation of the provisions of this order in respect of the merchant vessels of any country which declares that no commerce intended for or originating in Germany or belonging to Germany (sic) subjects shall enjoy the protection of its flag. (Dip. Corr., 66.)

No. 35. British order in council, March 23, 1915, authorizing the requisition of neutral ships. (Presented by the solicitor of the Crown in an argument in favor of requisitioning the cargo of foodstuffs on the *Wilhelmina*. See Nos. 20 and 25):

Whereas by section 3 of the prize courts act, 1894, His Majesty in council is authorized to make rules of court for regulating, subject to the provisions of the naval prize act, 1864, and the said act, the procedure and practice of prize courts within the meaning of the naval prize act, 1864, and the duties and conduct of the officers of the courts and of the practitioners therein, and for regulating the fees to be taken by the officers thereof, and the costs, charges, and expenses to be allowed to the practitioners therein; and

Whereas in pursuance of the prize courts act, 1894, certain rules were made by the order of His Majesty in Council, dated the 5th day of August, 1914, and amended by the orders of His Majesty in council of the 30th day of September, 1914, and the 28th day of November, 1914, respectively, which said rules and amended rules were by the said orders in council directed to take effect provisionally in accordance with the provisions of section 2 of the rules publication act, 1893, from the dates of the said orders in council, respectively; and

Whereas the provisions of section 1 of the rules publication act, 1893, were duly complied with in respect of the said rules and amended rules, and the same were finally made by the orders of His Majesty in council, dated, respectively, the 17th day of September, 1914, the 28th day of November, 1914, and the 3d day of February, 1915; and Whereas it is expedient that the said rules and amended rules should be further amended; and

Whereas on account of urgency this order should come into immediate operation:

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said act or otherwise in him vested, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, as follows:

1. That in order 9 (discovery, inspection, and admission of documents and facts) of the said rules:

In rule 1, the words "upon filing an affidavit" shall be omitted.

In rule 1, instead of the words "any other party" there shall be substituted the words "any party other than the proper officer of the Crown."

2. That in order 11 (sale, appraisal, safe custody, and inspection of prize) of the said rules, in rule 1, the following words shall be omitted: "On account of the condition of a ship, or on application of a claimant, and on or after condemnation."

3. That in order 15 (evidence and hearing) of the said rules the following rule shall be added:

"21. Notwithstanding anything contained in these rules the proper officer of the Crown may apply to the judge for leave to administer interrogatories for the examination of any person whether a party to the cause or not."

4. That order 29 (requisition by Admiralty) of the said rules, as amended by His Majesty's order in council dated the 28th day of November, 1914, shall be, and the same is hereby, revoked, and in lieu thereof the following order shall have effect:

"ORDER 29.—REQUISITION.

"1. Where it is made to appear to the judge on the application of the proper officer of the Crown that it is desired to requisition on behalf of His Majesty a ship in respect of which no final decree of condemnation has been made, he shall order that the ship shall be appraised, and that upon an undertaking being given in accordance with rule 5 of this order, the ship shall be released and delivered to the Crown.

"2. Where a decree for the detention of a ship has been made in accordance with order 28, the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Crown desires to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. Upon an undertaking being given in accordance with rule 5 of this order the ship shall be released and delivered to the Crown. Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

"3. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the judge may order the same to be forthwith released and delivered to the Crown without appraisal.

"4. In any case where a ship has been requisitioned under the provisions of this order, and whether or not an appraisal has been made, the court may, on the application of any party, fix the amount to be paid by the Crown in respect of the value of the ship.

"5. In every case of requisition under this order an undertaking in writing shall be filed by the proper officer of the Crown for payment into court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under rule 4 of this order, as the case may be, at such time or times as the court shall declare by order that the same or any part thereof is required for the purpose of payment out of court.

"6. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the Crown desires to requisition the ship temporarily, the court may, in lieu of an order of release, make an order for the temporary delivery of the ship to the Crown, and subject as aforesaid the provisions of this order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the court, the court may make such order as it thinks fit for the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of order 28, rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered by reason of such temporary delivery as aforesaid.

"7. The proceedings in respect of a ship requisitioned under this order shall continue notwithstanding the requisition.

"8. In any case of requisition of a ship in respect of which no cause has been instituted, any person interested in such ship may, without issuing a writ, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the amount to be paid in respect of such ship be fixed by the court, and the judge may, on the hearing of such summons, order the ship to be appraised or to be valued, or give such other directions for fixing the amount as he may think fit."

5. That in form 4 in appendix A to the said rules there shall be omitted the words "commander of our ship of war" and the words "taken and seized as prize by our said ship of war."

6. This order shall take effect provisionally in accordance with the provisions of section 2 of the rules-publication act, 1893, from the date hereof. (Dip. Corr., 72-73.)

No. 36. American note, March 30, 1915, regarding British violation of neutral rights. (See No. 54; also No. 61.)

(The Secretary of State to the American ambassador at London.)

You are instructed to deliver the following to His Majesty's Government in reply to your Nos. 1795 and 1798 of March 15:

The Government of the United States has given careful consideration to the subjects treated in the British notes of March 13 and March 15, and to the British order in council of the latter date.

These communications contain matters of grave importance to neutral nations. They appear to menace their rights of trade and intercourse not only with belligerents but also with one another. They call for frank comment in order that misunderstandings may be avoided. The Government of the United States deems it its duty, therefore, speaking in the sincerest spirit of friendship, to make its own view and position with regard to them unmistakably clear.

The order in council of the 15th of March would constitute, were its provisions to be actually carried into effect as they stand, a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area, and an almost unqualified denial of the sovereign rights of the nations now at peace.

This Government takes it for granted that there can be no question what those rights are. A nation's sovereignty over its own ships and citizens under its own flag on the high seas in time of peace is, of course, unlimited; and that sovereignty suffers no diminution in time of war, except in so far as the practice and consent of civilized nations has limited it by the recognition of certain now clearly determined rights, which it is conceded may be exercised by nations which are at war.

A belligerent nation has been conceded the right of visit and search, and the right of capture and condemnation if, upon examination, a neutral vessel is found to be engaged in unnatural service or to be carrying contraband of war intended for the enemy's government or armed forces. It has been conceded the right to establish and maintain a blockade of an enemy's ports and coasts and to capture and condemn any vessel taken in trying to break the blockade. It is even conceded the right to detain and take to its own ports for judicial examination all vessels which it suspects for substantial reasons to be engaged in unnatural or contraband service, and to condemn them if the suspicion is sustained. But such rights, long clearly defined both in doctrine and practice, have hitherto been held to be the only permissible exceptions to the principle of universal equality of sovereignty

on the high seas as between belligerents and nations not engaged in war.

It is confidently assumed that His Majesty's Government will not deny that it is a rule sanctioned by general practice that, even though a blockade should exist and the doctrine of contraband as to unblockaded territory be rigidly enforced, innocent shipments may be freely transported to and from the United States through neutral countries to belligerent territory without being subject to the penalties of contraband traffic or breach of blockade, much less to detention, requisition, or confiscation.

Moreover the rules of the Declaration of Paris of 1856—among them that free ships make free goods—will hardly at this day be disputed by the signatories of that solemn agreement.

His Majesty's Government, like the Government of the United States, have often and explicitly held that these rights represent the best usage of warfare in the dealings of belligerents with neutrals at sea. In this connection I desire to direct attention to the opinion of the Chief Justice of the United States in the case of the *Peterhof*, which arose out of the Civil War, and to the fact that that opinion was unanimously sustained in the award of the arbitration commission of 1871, to which the case was presented at the request of Great Britain. From that time to the declaration of London of 1909, adopted with modifications by the order in council of the 23d of October last, these rights have not been seriously questioned by the British Government. And no claim on the part of Great Britain of any justification for interfering with these clear rights of the United States and its citizens as neutrals could be admitted. To admit it would be to assume an attitude of unneutrality toward the present enemies of Great Britain which would be obviously inconsistent with the solemn obligations of this Government in the present circumstances; and for Great Britain to make such a claim would be for her to abandon and set at naught the principles for which she has consistently and earnestly contended in other times and circumstances.

The note of His Majesty's principal secretary of state for foreign affairs which accompanies the order in council, and which bears the same date, notifies the Government of the United States of the establishment of a blockade which is, if defined by the terms of the order in council, to include all the coasts and ports of Germany and every port of possible access to enemy territory. But the novel and quite unprecedented feature of that blockade, if we are to assume it to be properly so defined, is that it embraces many neutral ports and coasts, bars access to them, and subjects all neutral ships seeking to approach them to the same suspicion that would attach to them were they bound for the ports of the enemies of Great Britain, and to unusual risks and penalties.

It is manifest that such limitations, risks, and liabilities placed upon the ships of a neutral power on the high seas, beyond the right of visit and search and the right to prevent the shipment of contraband already referred to, are a distinct invasion of the sovereign rights of the nation whose ships, trade, or commerce is interfered with.

The Government of the United States is, of course, not oblivious to the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated. It might be ready to admit that the old form of "close" blockade with its cordon of ships in the immediate offing of the blockaded ports is no longer practicable in face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and air craft; but it can hardly be maintained that, whatever form of effective blockade may be made use of, it is impossible to conform at least to the spirit and principles of the established rules of war. If the necessities of the case should seem to render it imperative that the cordon of blockading vessels be extended across the approaches to any neighboring neutral port or country, it would seem clear that it would still be easily practicable to comply with the well-recognized and reasonable prohibition of international law against the blockading of neutral ports by according free admission and exit to all lawful traffic with neutral ports through the blockading cordon. This traffic would of course include all outward-bound traffic from the neutral country and all inward-bound traffic to the neutral country except contraband in transit to the enemy. Such procedure need not conflict in any respect with the rights of the belligerent maintaining the blockade since the right would remain with the blockading vessels to visit and search all ships either entering or leaving the neutral territory which they were in fact but not of right invading.

The Government of the United States notes that in the order in council His Majesty's Government give as their reason for entering upon a course of action, which they are aware is without precedent in modern warfare, the necessity they conceive themselves to have been placed under to retaliate upon their enemies for measures of a similar nature which the latter have announced in their intention to adopt and which they have to some extent adopted; but the Government of the United States, recalling the principles upon which His Majesty's Government have hitherto been scrupulous to act, interprets this as merely a reason for certain extraordinary activities on the part of His Majesty's naval forces and not as an excuse for or prelude to any unlawful action. If the course pursued by the present enemies of Great Britain should prove to be in fact tainted by illegality and disregard of the principles of war sanctioned by enlightened nations, it can not be supposed, and this Government does not for a moment suppose, that His Majesty's Government would wish the same taint to attach to their own actions or would cite such illegal acts as in any sense or degree a justification for similar practices on their part in so far as they affect neutral rights.

It is thus that the Government of the United States interprets the language of the note of His Majesty's principal secretary of state for foreign affairs which accompanies the copy of the order in council which was handed to the ambassador of the United States near the Government in London and by him transmitted to Washington.

This Government notes with gratification that "wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just, and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order"; that "the effect of the order in council is to confer certain powers upon the executive officers of His Majesty's Government"; and that "the extent to which these powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation are matters which will depend on the administrative orders issued by the Government

and the decisions of the authorities especially charged with the duty of dealing with individual ships and cargoes according to the merits of each case." This Government further notes with equal satisfaction the declaration of the British Government that "the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the usual dispatch consistent with the object in view, and of showing in every case such consideration for neutrals as may be compatible with that object, which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany."

In view of these assurances formally given to this Government it is confidently expected that the extensive powers conferred by the order in council on the executive officers of the Crown will be restricted by "orders issued by the Government" directing the exercise of their discretionary powers in such a manner as to modify in practical application those provisions of the order in council which, if strictly enforced, would violate neutral rights and interrupt legitimate trade. Relying on the faithful performance of these voluntary assurances by His Majesty's Government the United States takes it for granted that the approach of American merchantmen to neutral ports situated upon the long line of coast affected by the order in council will not be interfered with when it is known that they do not carry goods which are contraband of war or goods destined to or proceeding from ports within the belligerent territory affected.

The Government of the United States assumes with the greater confidence that His Majesty's Government will thus adjust their practice to the recognized rules of international law, because it is manifest that the British Government have adopted an extraordinary method of "stopping cargoes destined for or coming from the enemy's territory," which, owing to the existence of unusual conditions in modern warfare at sea, it will be difficult to restrict to the limits which have been heretofore required by the law of nations. Though the area of operations is confined to "European waters, including the Mediterranean," so great an area of the high seas is covered and the cordon of ships is so distant from the territory affected that neutral vessels must necessarily pass through the blockading force in order to reach important neutral ports which Great Britain as a belligerent has not the legal right to blockade and which, therefore, it is presumed she has no intention of claiming to blockade. The Scandinavian and Danish ports, for example, are open to American trade. They are also free, so far as the actual enforcement of the order in council is concerned, to carry on trade with German Baltic ports, although it is an essential element of blockade that it bear with equal severity upon all neutrals.

This Government, therefore, infers that the commanders of His Majesty's ships of war engaged in maintaining the so-called blockade will be instructed to avoid an enforcement of the proposed measures of nonintercourse in such a way as to impose restrictions upon neutral trade more burdensome than those which have been regarded as inevitable when the ports of a belligerent are actually blockaded by the ships of its enemy.

The possibilities of serious interruption of American trade under the order in council are so many and the methods proposed are so unusual and seem liable to constitute so great an impediment and embarrassment to neutral commerce that the Government of the United States, if the order in council is strictly enforced, apprehends many interferences with its legitimate trade which will impose upon His Majesty's Government heavy responsibilities for acts of the British authorities clearly subversive of the rights of neutral nations on the high seas. It is therefore expected that His Majesty's Government, having considered these possibilities, will take the steps necessary to avoid them, and, in the event that they should unhappily occur, will be prepared to make full reparation for every act which under the rules of international law constitutes a violation of neutral rights.

As stated in its communication of October 22, 1914, "this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the declaration of London, and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of the British Government."

In conclusion, you will reiterate to His Majesty's Government that this statement of the views of the Government of the United States is made in the most friendly spirit, and in accordance with the uniform candor which has characterized the relations of the two Governments in the past, and which has been in large measure the foundation of the peace and amity existing between the two nations without interruption for a century.

BRYAN.

(Dip. Corr. 69-72.)

No. 37. First American note, March 31, 1915, in regard to the *William P. Frye*. (See 39, 43, 52, 55, and 62.)

(The Secretary of State to the American ambassador at Berlin.)

You are instructed to present the following note to the German Foreign Office:

Under instructions from my Government I have the honor to present a claim for \$228,059.54, with interest from January 28, 1915, against the German Government on behalf of the owners and captain of the American sailing vessel *William P. Frye* for damages suffered by them on account of the destruction of that vessel on the high seas by the German armed cruiser *Prinz Eitel Friedrich*, on January 28, 1915.

The facts upon which this claim arises and by reason of which the German Government is held responsible by the Government of the United States for the attendant loss and damages are briefly as follows:

The *William P. Frye*, a steel sailing vessel of 3,374 tons gross tonnage, owned by American citizens and sailing under the United States flag and register, cleared from Seattle, Wash., November 4, 1914, under charter to M. H. Houser, of Portland, Oreg., bound for Queens-town, Falmouth, or Plymouth for orders, with a cargo consisting solely of 186,950 bushels of wheat owned by the aforesaid Houser and consigned "unto order or to its assigns," all of which appears from the ship's papers which were taken from the vessel at the time of her destruction by the commander of the German cruiser.

On January 27, 1915, the *Prinz Eitel Friedrich* encountered the *Frye* on the high seas, compelled her to stop, and sent on board an armed boarding party, who took possession. After an examination of the ship's papers the commander of the cruiser directed that the cargo

be thrown overboard, but subsequently decided to destroy the vessel, and on the following morning, by his order, the *Frye* was sunk.

The claim of the owners and captain consists of the following items:

Value of ship, equipment, and outfit.....	\$150,000.00
Actual freight, as per freight list, 5,034 1,000/2,240 tons, at 32s. 6d.—£8,180 19s. 6d.; at \$4.86.....	39,759.54
Traveling and other expenses of Capt. Kiehne and Arthur Sewall & Co., agents of ship, in connection with making affidavits, preparing and filing claim.....	500.00
Personal effects of Capt. H. H. Kiehne.....	300.00
Damages covering loss due to deprivation of use of ship.....	37,500.00
Total.....	228,059.54

By direction of my government, I have the honor to request that full reparation be made by the German Government for the destruction of the *William P. Frye* by the German cruiser *Prinz Eitel Friedrich*.
BRYAN.

(Dip. Corr. 87.)

No. 38. German memorandum, April 4, 1915, concerning the British restraint of sea-borne commerce with Germany and the American exportation of war material. (See 41.)

(The German ambassador to the Secretary of State.)

The various British orders in council have one-sidedly modified the generally recognized principles of international law in a way which arbitrarily stops the commerce of neutral nations with Germany. Even before the last British order in council, the shipment of conditional contraband, especially food supplies, to Germany was practically impossible. Prior to the protest sent by the American to the British Government on December 28 last, such a shipment did not actually take place in a single case. Even after this protest the Imperial Embassy knows of only a single case in which an American shipper has ventured to make such a shipment for the purpose of legitimate sale to Germany. Both ship and cargo were immediately seized by the English and are being held in an English port under the pretext of an order of the German federal council (Bundesrat) regarding the grain trade, although this resolution of the federal council relates exclusively to grain and flour, and not to other foodstuffs, besides making an express exception with respect to imported foodstuffs, and although the German Government gave the American Government an assurance, and proposed a special organization whereby the exclusive consumption by the civilian population is absolutely guaranteed.

Under the circumstances, the seizure of the American ship was inadmissible according to recognized principles of international law. Nevertheless the United States Government has not to date secured the release of the ship and cargo, and has not, after a duration of the war of eight months, succeeded in protecting its lawful trade with Germany.

Such a long delay, especially in matters of food supply, is equivalent to an entire denial.

The Imperial Embassy must therefore assume that the United States Government acquiesces in the violations of international law by Great Britain.

Then, there is also the attitude of the United States in the question of the exportation of arms. The Imperial Government feels sure that the United States Government will agree that in questions of neutrality it is necessary to take into consideration not only the formal aspect of the case, but also the spirit in which the neutrality is carried out.

The situation in the present war differs from that of any previous war. Therefore any reference to arms furnished by Germany in former wars is not justified, for then it was not a question whether war material should be supplied to the belligerents, but who should supply it in competition with other nations. In the present war all nations having a war-material industry worth mentioning are either involved in the war themselves or are engaged in perfecting their own armaments, and have therefore laid an embargo against the exportation of war material. The United States is, accordingly, the only neutral country in a position to furnish war materials. The conception of neutrality is thereby given a new purport, independently of the formal question of hitherto existing law. In contradiction thereto, the United States is building up a powerful arms industry in the broadest sense, the existing plants not only being worked but enlarged by all available means, and new ones built. The international conventions for the protection of the rights of neutral nations doubtless sprang from the necessity of protecting the existing industries of neutral nations as far as possible from injury in their business. But it can in no event be in accordance with the spirit of true neutrality if, under the protection of such international stipulations, an entirely new industry is created in a neutral state, such as is the development of the arms industry in the United States, the business whereof, under the present conditions, can benefit only the belligerent powers.

This industry is actually delivering goods only to the enemies of Germany. The theoretical willingness to supply Germany also if shipments thither were possible, does not alter the case. If it is the will of the American people that there shall be a true neutrality, the United States will find means of preventing this one-sided supply of arms or at least of utilizing it to protect legitimate trade with Germany, especially that in foodstuffs. This view of neutrality should all the more appeal to the United States Government, because the latter enacted a similar policy toward Mexico. On February 4, 1914, President Wilson, according to a statement of a Representative in Congress in the Committee on Foreign Affairs, of December 30, 1914, upon the lifting of the embargo on arms to Mexico, declared that "we should stand for genuine neutrality, considering the surrounding facts of the case." He then held that "in that case, because Carranza had no ports, while Huerta had them and was able to import these materials, that it was our duty as a nation to treat Carranza and Huerta upon an equality if we wished to observe the true spirit of neutrality, as compared with a mere paper neutrality."

If this view were applied to the present case, it would lead to an embargo on the exportation of arms. (Dip. Corr., 73-74.)

No. 39. First German note, April 5, 1915, in regard to the *William P. Frye*. (See No. 37.)

(The minister for foreign affairs to the American ambassador.)

The undersigned has the honor to make reply to the note of his excellency Mr. James W. Gerard, ambassador, the United States of America, dated the 3d instant, foreign office No. 2892, relative to claims for damages for the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*.

According to the reports which have reached the German Government, the commander of the *Prinz Eitel Friedrich* stopped the *William*

P. Frye on the high seas January 27, 1915, and searched her. He found on board a cargo of wheat consigned to Queenstown, Falmouth, or Plymouth, to order. After he had first tried to remove the cargo from the *William P. Frye* he took the ship's papers and her crew on board and sank ship.

It results from these facts that the German commander acted quite in accordance with the principles of international law as laid down in the declaration of London and the German prize ordinance. The ports of Queenstown, Falmouth, and Plymouth, whither the ship visited was bound, are strongly fortified English coast places, which, moreover, serve as bases for the British naval forces. The cargo of wheat being food or foodstuffs, was conditional contraband within the meaning of article 24, No. 1, of the Declaration of London, and article 23, No. 1, of the German prize ordinance, and was therefore to be considered as destined for the armed forces of the enemy, pursuant to articles 33 and 34 of the Declaration of London and articles 32 and 33 of the German prize ordinance, and to be treated as contraband pending proof of the contrary. This proof was certainly not capable of being adduced at the time of the visiting of the vessel, since the cargo papers read "to order." This, however, furnished the conditions under which, pursuant to article 49 of the Declaration of London and article 113 of the German prize ordinance, the sinking of the ship was permissible, since it was not possible for the auxiliary cruiser to take the prize into a German port without involving danger to its own security or the success of its operations. The duties devolving upon the cruiser before destruction of the ship, pursuant to article 50 of the Declaration of London and article 116 of the German prize ordinance, were fulfilled by the cruiser in that it took on board all the persons found on the sailing vessel as well as the ship's papers.

The legality of the measures taken by the German commander is, furthermore, subject to examination by the German prize court, pursuant to article 51 of the Declaration of London and section 1, No. 2, of the German Code of Prize Procedure. These prize proceedings will be instituted before the prize court at Hamburg as soon as the ship's papers are received, and will comprise the settlement of questions whether the destruction of the cargo and the ship was necessary within the meaning of article 49 of the Declaration of London; whether the property sunk was liable to capture; and whether, or to what extent, indemnity is to be awarded the owners. In the trial the owners of ship and cargo would be at liberty, pursuant to article 34, paragraph 3, of the Declaration of London, to adduce proof that the cargo of wheat had an innocent destination and did not, therefore, have the character of contraband. If such proof is not adduced, the German Government would not be liable for any compensation whatever, according to the general principles of international law.

However, the legal situation is somewhat different in the light of the special stipulations applicable to the relations between Germany and the United States, since article 13 of the Prussian-American treaty of friendship and commerce of July 11, 1799, taken in connection with article 12 of the Prussian-American treaty of commerce and navigation of May 1, 1828, provides that contraband belonging to the subjects or citizens of either party can not be confiscated by the other in any case, but only detained or used in consideration of payment of the full value of the same. On the ground of this treaty stipulation, which is, as a matter of course, binding on the German prize court, the American owners of ship and cargo would receive compensation even if the court should declare the cargo of wheat to be contraband. Nevertheless, the approaching prize proceedings are not rendered superfluous, since the competent prize court must examine into the legality of the capture and destruction and also pronounce upon the standing of the claimants and the amount of indemnity.

The undersigned begs to suggest that the ambassador bring the above to the knowledge of his Government, and avails himself, etc.

JAGOW.

(Dip. Corr. 87-88.)

No. 40. British memorandum, April 8, 1915, in reference to the *Wilhelmina*. (See Nos. 20, 25, and 54.)

(The prime minister to the American ambassador.)

His Majesty's Government share the desire of the United States Government for an immediate settlement of the case of the *Wilhelmina*. This American ship, laden with foodstuffs, left New York for Hamburg on January 22. She called at Falmouth of her own accord on February 9, and her cargo was detained as prize on February 11. The writ instituting prize-court proceedings was issued on February 27, and claimed that the cargo should be condemned as contraband of war. No proceedings were taken or even threatened against the ship herself, and in the ordinary course the cargo would have been unloaded when seized, so that the ship would be free to leave. The owners of the cargo, however, have throughout objected to the discharge of the cargo, and it is because of this objection that the ship is still at Falmouth with the cargo on board.

His Majesty's Government have formally undertaken that, even should the condemnation of the cargo as contraband be secured in the prize court, they would none the less compensate the owners for any loss sustained in consequence of the ship having been stopped and proceedings taken against the cargo.

It was understood at the time that the proceedings in the prize court would be in the nature of a test case, the decision in which would govern the treatment of any subsequent shipments of food supplies to Germany in similar circumstances. Since then the situation has, however, materially changed by the issue of the order in council of March 11, 1915, and the measures taken thereunder which prevent further supplies being sent from America to Germany, whether contraband or not.

In these circumstances there is no longer an object in continuing the judicial proceedings in the case of the *Wilhelmina*, for it can no longer serve as a test case, and it is really agreed that the owners of the cargo, even if proved to have no claim, are to be treated as if their claim was good. Nothing therefore remains but to settle the claim on proper and just conditions, and this would, in the opinion of His Majesty's Government, be secured most expeditiously and with the least inconvenience to all parties by an agreement between the Crown and the claimants for the disposal of the whole matter. His Majesty's Government accordingly propose that such an agreement be arrived at on the following terms: "His Majesty's Government having undertaken to compensate the claimants by paying for the cargo seized on the basis of the loss of the profit the claimants would have made if the ship had proceeded in due course to Hamburg, and by indemnifying them for the delay caused to the ship so far as this delay has been due to the action of the British authorities, all proceedings in the prize

court shall be stayed on the understanding that His Majesty's Government buy the cargo from the claimants on the above terms. The cargo shall be discharged and delivered to the proper officer of the Crown forthwith. The sum to be paid shall be assessed by a single American and his Majesty's principal secretary of state for foreign affairs, who shall certify the total amount after making such inquiries as he may think fit, but without formal hearing or arbitration." His Majesty's Government would be grateful if the United States ambassador would inform the claimants of the above proposal at his early convenience and obtain their acceptance.

(Dip. Corr. 83-84.)

No. 41. American note, April 21, 1915, replying to No. 38.

(The Secretary of State to the German ambassador.)

EXCELLENCY: I have given thoughtful consideration to your excellency's note of the 4th of April, 1915, inclosing a memorandum of the same date, in which your excellency discusses the action of this Government with regard to trade between the United States and Germany and the attitude of this Government with regard to the exportation of arms from the United States to the nations now at war with Germany.

I must admit that I am somewhat at a loss how to interpret your excellency's treatment of these matters. There are many circumstances connected with these important subjects to which I would have expected your excellency to advert, but of which you make no mention, and there are other circumstances to which you do refer which I would have supposed to be hardly appropriate for discussion between the Government of the United States and the Government of Germany.

I shall take the liberty, therefore, of regarding your excellency's references to the course pursued by the Government of the United States with regard to interferences with trade from this country, such as the Government of Great Britain has attempted as intended merely to illustrate more fully the situation to which you desire to call our attention and not as an invitation to discuss that course. Your excellency's long experience in international affairs will have suggested to you that the relations of the two Governments with one another can not wisely be made a subject of discussion with a third Government, which can not be fully informed as to the facts and which can not be fully cognizant of the reasons for the course pursued. I believe, however, that I am justified in assuming that what you desire to call forth is a frank statement of the position of this Government in regard to its obligations as a neutral power. The general attitude and course of policy of this Government in the maintenance of its neutrality I am particularly anxious that your excellency should see in their true light. I had hoped that this Government's position in these respects had been made abundantly clear, but I am of course perfectly willing to state it again. This seems to me the more necessary and desirable because, I regret to say, the language which your excellency employs in your memorandum is susceptible of being construed as impugning the good faith of the United States in the performance of its duties as a neutral. I take it for granted that no such implication was intended, but it is so evident that your excellency is laboring under certain false impressions that I can not be too explicit in setting forth the facts as they are, when fully reviewed and comprehended.

In the first place, this Government has at no time and in no manner yielded any one of its rights as a neutral to any of the present belligerents. It has acknowledged, as a matter of course, the right of visit and search and the right to apply the rules of contraband of war to articles of commerce. It has, indeed, insisted upon the use of visit and search as an absolutely necessary safeguard against mistaking neutral vessels for vessels owned by an enemy and against mistaking legal cargoes for illegal. It has admitted also the right of blockade if actually exercised and effectively maintained. These are merely the well-known limitations which war places upon neutral commerce on the high seas. But nothing beyond these has it conceded. I call your excellency's attention to this, notwithstanding it is already known to all the world as a consequence of the publication of our correspondence in regard to these matters with several of the belligerent nations, because I can not assume that you have official cognizance of it.

In the second place, this Government attempted to secure from the German and British Governments mutual concessions with regard to the measures those Governments respectively adopted for the interruption of trade on the high seas. This it did, not of right, but merely as exercising the privileges of a sincere friend of both parties and as indicating its impartial good will. The attempt was unsuccessful; but I regret that your excellency did not deem it worthy of mention in modification of the impressions you expressed. We had hoped that this act on our part had shown our spirit in these times of distressing war, as our diplomatic correspondence had shown our steadfast refusal to acknowledge the right of any belligerent to alter the accepted rules of war at sea in so far as they affect the rights and interests of neutrals.

In the third place, I note with sincere regret that, in discussing the sale and exportation of arms by citizens of the United States to the enemies of Germany, your excellency seems to be under the impression that it was within the choice of the Government of the United States, notwithstanding its professed neutrality and its diligent efforts to maintain it in other particulars, to inhibit this trade, and that its failure to do so manifested an unfair attitude toward Germany. This Government holds, as I believe your excellency is aware, and as it is constrained to hold in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality by which it has consistently sought to direct its actions, and I respectfully submit that none of the circumstances urged in your excellency's memorandum alters the principle involved. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States. It will, I feel assured, be clear to your excellency that, holding this view and considering itself in honor bound by it, it is out of the question for this Government to consider such a course.

I hope that your excellency will realize the spirit in which I am drafting this reply. The friendship between the people of the United States and the people of Germany is so warm and of such long standing, the ties which bind them to one another in amity are so many and so strong, that this Government feels under a special compulsion to speak with perfect frankness when any occasion arises which seems likely to create any misunderstanding, however slight or temporary, between those who represent the Governments of the two countries. It will be a matter of gratification to me if I have removed from your excellency's mind any misapprehension you may have been under regarding either the policy or the spirit and pur-

poses of the Government of the United States. Its neutrality is founded upon the firm basis of conscience and good will.

Accept, etc.,

W. J. BRYAN.

(Dip. Corr. 74-75.)

No. 42. Announcement of the German Embassy, April 22, 1915, warning against embarkation on vessels belonging to Great Britain or its allies.

NOTICE.

Travelers intending to embark on the Atlantic voyage are reminded that a state of war exists between Germany and her allies and Great Britain and her allies; that the zone of war includes the waters adjacent to the British Isles; that, in accordance with formal notice given by the Imperial German Government, vessels flying the flag of Great Britain, or of any of her allies, are liable to destruction in those waters, and that travelers sailing in the war zone on ships of Great Britain or her allies do so at their own risk.

IMPERIAL GERMAN EMBASSY.

WASHINGTON, D. C., April 22, 1915.

(The New York Times, May 3, 1915.)

No. 43. Second American note, April 28, 1915, in regard to the *William P. Frye*. (See Nos. 37 and 39.)

(The Secretary of State to the American ambassador at Berlin.)

You are instructed to present the following note to the German Foreign Office:

In reply to your excellency's note of the 5th instant, which the Government of the United States understands admits the liability of the Imperial German Government for the damages resulting from the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prins Eitel Friedrich* on January 28 last, I have the honor to say, by direction of my Government, that while the promptness with which the Imperial German Government has admitted its liability is highly appreciated, my Government feels that it would be inappropriate in the circumstances of this case, and would involve unnecessary delay to adopt the suggestion in your note that the legality of the capture and destruction, the standing of the claimants, and the amount of indemnity should be submitted to a prize court.

Unquestionably the destruction of this vessel was a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia, and the United States Government, by virtue of its treaty rights, has presented to the Imperial German Government a claim for indemnity on account of the resulting damages suffered by American citizens. The liability of the Imperial German Government and the standing of the claimants as American citizens and the amount of indemnity are all questions which lend themselves to diplomatic negotiation between the two Governments, and happily the question of liability has already been settled in that way. The status of the claimants and the amount of the indemnity are the only questions remaining to be settled, and it is appropriate that they should be dealt with in the same way.

The Government of the United States fully understands that, as stated in your excellency's note, the German Government is liable under the treaty provisions above mentioned for the damages arising from the destruction of the cargo as well as from the destruction of the vessel. But it will be observed that the claim under discussion does not include damages for the destruction of the cargo, and the question of the value of the cargo therefore is not involved in the present discussion.

The Government of the United States recognizes that the German Government will wish to be satisfied as to the American ownership of the vessel, and the amount of the damages sustained in consequence of her destruction.

These matters are readily ascertainable and if the German Government desires any further evidence in substantiation of the claim on these points in addition to that furnished by the ship's papers, which are already in the possession of the German Government, any additional evidence found necessary will be produced. In that case, however, inasmuch as any evidence which the German Government may wish to have produced is more accessible and can more conveniently be examined in the United States than elsewhere, on account of the presence there of the owners and captain of the *William P. Frye* and their documentary records, and other possible witnesses, the Government of the United States ventures to suggest the advisability of transferring the negotiations for the settlement of these points to the Imperial German Embassy at Washington.

In view of the admission of liability by reason of specific treaty stipulations, it has become unnecessary to enter into a discussion of the meaning and effect of the Declaration of London, which is given some prominence in Your Excellency's note of April 5, further than to say that, as the German Government has already been advised, the Government of the United States does not regard the Declaration of London as in force.

(Dip. Corr. 88.)

BRYAN.

No. 44. German note, May 10, 1915, expressing regret for the loss of American lives through the sinking of the *Lusitania*.

(The German foreign office to the German Embassy at Washington.)

Please communicate the following to the State Department: The German Government desires to express its deepest sympathy at the loss of lives on board the *Lusitania*. The responsibility rests, however, with the British Government, which, through its plan of starving the civilian population of Germany, has forced Germany to resort to retaliatory measures.

In spite of the German offer to stop the submarine war in case the starvation plan was given up, British merchant vessels are being generally armed with guns and have repeatedly tried to ram submarines, so that a previous search was impossible.

They can not, therefore, be treated as ordinary merchant vessels. A recent declaration made to the British Parliament by the Parliamentary Secretary in answer to a question by Lord Charles Beresford said that at the present practically all British merchant vessels were armed and provided with hand grenades.

Besides, it has been openly admitted by the English press that the *Lusitania* on previous voyages repeatedly carried large quantities of war material. On the present voyage the *Lusitania* carried 5,400 cases of ammunition, while the rest of her cargo also consisted chiefly of contraband.

If England, after repeated official and unofficial warnings, considered herself able to declare that that boat ran no risk and thus light-heartedly assumed responsibility for the human life on board a

steamer which, owing to its armament and cargo was liable to destruction, the German Government, in spite of its heartfelt sympathy for the loss of American lives, can not but regret that Americans felt more inclined to trust to English promises rather than to pay attention to the warnings from the German side.

FOREIGN OFFICE.

(The New York Times, May 11, 1915.)

No. 45. German statement, May 11, 1915, in regard to the treatment of neutral vessels in the war zone.

(The German minister for foreign affairs to the American ambassador.)

First. The Imperial German Government has naturally no intention of causing to be attacked by submarines or aircraft such neutral ships of commerce in the zone of naval warfare, more definitely described in the notice of the German Admiralty staff of February 4 last, as have been guilty of no hostile act. On the contrary, the most definite instructions have repeatedly been issued to German war vessels to avoid attacks on such ships under all circumstances. Even when such ships have contraband of war on board they are dealt with by submarines solely according to the rules of international law applying to prize warfare.

Second. Should a neutral ship nevertheless come to harm through German submarines or aircraft on account of an unfortunate (X) [mistake?] in the above-mentioned zone of naval warfare, the German Government will unreservedly recognize its responsibility therefor. In such a case it will express its regrets and afford damages without first instituting a prize-court action.

Third. It is the custom of the German Government as soon as the sinking of a neutral ship in the above-mentioned zone of naval warfare is ascribed to German war vessels to institute an immediate investigation into the cause. If grounds appear thereby to be given for association of such a hypothesis, the German navy places itself in communication with the interested neutral Government so that the latter may also institute an investigation. If the German Government is thereby convinced that the ship has been destroyed by Germany's war vessels, it will not delay in carrying out the provisions of paragraph 2 above. In case the German Government, contrary to the viewpoint of the neutral Government, is not convinced by the result of the investigation, the German Government has already on several occasions declared itself ready to allow the question to be decided by an international investigation commission, according to chapter 3 of The Hague Convention of October 18, 1907, for the peaceful solution of international disputes. (The New York Times, May 12, 1915.)

No. 46. First American note, May 13, 1915, regarding the loss of American lives and the injury to American commerce incidental to the naval warfare. (See Nos. 50, 53, 56, and 60.)

(The Secretary of State to the American ambassador at Berlin.)

Please call on the minister of foreign affairs and after reading to him this communication leave with him a copy.

In view of recent acts of the German authorities in violation of American rights on the high seas which culminated in the torpedoing and sinking of the British steamship *Lusitania* on May 7, 1915, by which over 100 American citizens lost their lives, it is clearly wise and desirable that the Government of the United States and the Imperial German Government should come to a clear and full understanding as to the grave situation which has resulted.

The sinking of the British passenger steamer *Falaba* by a German submarine on March 28, through which Leon C. Thrasher, an American citizen, was drowned; the attack on April 28 on the American vessel *Cushing* by a German aeroplane; the torpedoing on May 1 of the American vessel *Gulflight* by a German submarine, as a result of which two or more American citizens met their death; and, finally, the torpedoing and sinking of the steamship *Lusitania*, constitute a series of events which the Government of the United States has observed with growing concern, distress, and amazement.

Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, and particularly with regard to the freedom of the seas; having learned to recognize the German views and the German influence in the field of international obligation as always engaged upon the side of justice and humanity; and having understood the instructions of the Imperial German Government to its naval commanders to be upon the same plane of humane action prescribed by the naval codes of other nations, the Government of the United States was loath to believe—it can not now bring itself to believe—that these acts, so absolutely contrary to the rules, the practices, and the spirit of modern warfare, could have the countenance or sanction of that great Government. It feels it to be its duty, therefore, to address the Imperial German Government concerning them with the utmost frankness and in the earnest hope that it is not mistaken in expecting action on the part of the Imperial German Government which will correct the unfortunate impressions which have been created and vindicate once more the position of that Government with regard to the sacred freedom of the seas.

The Government of the United States has been apprised that the Imperial German Government considered themselves to be obliged by the extraordinary circumstances of the present war and the measures adopted by their adversaries in seeking to cut Germany off from all commerce, to adopt methods of retaliation which go much beyond the ordinary methods of warfare at sea, in the proclamation of a war zone from which they have warned neutral ships to keep away. This Government has already taken occasion to inform the Imperial German Government that it can not admit the adoption of such measures or such a warning of danger to operate as in any degree an abbreviation of the rights of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality; and that it must hold the Imperial German Government to a strict accountability for any infringement of those rights, intentional or incidental. It does not understand the Imperial German Government to question those rights. It assumes, on the contrary, that the Imperial Government accept, as of course, the rule that the lives of noncombatants, whether they be of neutral citizenship or citizens of one of the nations at war, can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unarmed merchantman, and recognize also, as all other nations do, the obligation to take the usual precaution of visit and search to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag.

The Government of the United States, therefore, desires to call the attention of the Imperial German Government with the utmost earnestness to the fact that the objection to their present method of attack

against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity, which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and, if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her to the mercy of the sea in her small boats. These facts, it is understood, the Imperial German Government frankly admit. We are informed that in the instances of which we have spoken time enough for even that poor measure of safety was not given, and in at least two of the cases cited not so much as a warning was received. Manifestly, submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity.

American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas, and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

There was recently published in the newspapers of the United States, I regret to inform the Imperial German Government, a formal warning, purporting to come from the Imperial German Embassy at Washington, addressed to the people of the United States, and stating, in effect, that any citizen of the United States who exercised his right of free travel upon the seas would do so at his peril if his journey should take him within the zone of waters within which the Imperial German Navy was using submarines against the commerce of Great Britain and France, notwithstanding the respectful but very earnest protest of his Government, the Government of the United States. I do not refer to this for the purpose of calling the attention of the Imperial German Government at this time to the surprising irregularity of a communication from the Imperial German Embassy at Washington addressed to the people of the United States through the newspapers, but only for the purpose of pointing out that no warning that an unlawful and inhuman act will be committed can possibly be accepted as an excuse or palliation for that act or as an abatement of the responsibility for its commission.

Long acquaintance as this Government has been with the character of the Imperial German Government and with the high principles of equity by which the yabeh in the past been accentuated and guided, the Government of the United States can not believe that the commanders of the vessels which committed these acts of lawlessness did so except under a misapprehension of the orders issued by the Imperial German naval authorities. It takes it for granted that, at least within the practical possibilities of every such case, the commanders even of submarines were expected to do nothing that would involve the lives of noncombatants or the safety of neutral ships, even at the cost of failing of their object of capture or destruction. It confidently expects, therefore, that the Imperial German Government will disavow the acts of which the Government of the United States complains; that they will make reparation so far as reparation is possible for injuries which are without measure; and that they will take immediate steps to prevent the recurrence of anything so obviously subversive of the principles of warfare for which the Imperial German Government have in the past so wisely and so firmly contended.

The Government and people of the United States look to the Imperial German Government for just, prompt, and enlightened action in this vital matter with the greater confidence because the United States and Germany are bound together not only by special ties of friendship but also by the explicit stipulations of the treaty of 1828 between the United States and the Kingdom of Prussia.

Expressions of regret and offers of reparation in case of the destruction of neutral ships sunk by mistake, while they may satisfy international obligations, if no loss of life results, can not justify or excuse a practice the natural and necessary effect of which is to subject neutral nations and neutral persons to new and immeasurable risks.

The Imperial German Government will not expect the Government of the United States to omit any word or any act necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens and of safeguarding their free exercise and enjoyment.

BRYAN.

(Div. Corr. 75-77.)

No. 47. British memorandum, May 20, 1915, in reference to the detention of American ships and cargoes. (The memorandum has a paragraph attached comparing the exports of the United States to belligerent and neutral countries in January and February, 1914, with those in the same months of 1915. An additional table shows an increase in the American exportation of bacon and lard to neutral countries in March, 1915.)

First. There are at the present moment three American ships detained in this country. Two of them are cotton ships, which are dealt with below. The third is the steamer *Joseph W. Fordney*. This vessel, with a cargo of foodstuffs consigned to E. Klingener at Malmo (Sweden), was brought into Kirkwall on April 8. She had been sighted by His Majesty's ships about 10 miles from the Norwegian coast, and had thereupon endeavored, with the evident desire to evade search, to escape rapidly into Norwegian territorial waters, but without success.

On the vessel's arrival in Kirkwall inquiries were at once addressed to His Majesty's minister at Stockholm with regard to the consignee of the cargo, and a reply was received to the effect that no person of that name could be identified at Malmo, though there was a person of that name who resided at Gothenburg, and was manager of the Gothenburg branch of Hugo Hartvig, and who had stated that the consignments addressed to him on board the *Joseph W. Fordney* were intended for storage in Malmo.

Second. The suspicious conduct of the vessel in endeavoring to elude His Majesty's patrols and the known connections of the consignee of her cargo have tended to confirm other evidence which has come to the knowledge of His Majesty's Government that the foodstuffs were in reality destined for Germany. It was accordingly decided that the cargo must be placed in the prize court, and the vessel is at present discharging at Portlisshead, England, on the completion of which operation she will be released.

His Majesty's Government feel satisfied that in the circumstances of this case undue interference with American interests can not with reason be imputed to them.

Third. The number of neutral vessels carrying American cargoes and at present held up is 36. Of these 23 carry cargoes of American cotton. The United States Government are aware that since the enforcement of the blockade measures announced in the supplement to the London Gazette of the 12th of March last His Majesty's Government have acted as regards shipments of American cotton in accordance with the provisions of an arrangement arrived at in collaboration with representatives of the American cotton interests. The terms of the arrangement are as follows:

A. All cotton for which contracts, sale, and freight engagements already have been made before March 2 is to be allowed free transit or bought at the contract price if stopped, provided the ship sails not later than the 31st of March.

B. Similar treatment is to be accorded all cotton insured before the 2d of March, provided it is put aboard not later than the 16th of March.

C. All shipments of cotton claiming the above protection are to be declared before sailing and documents produced and certificates obtained from consular officers or other authorities fixed by the Government.

Fourth. In accepting this scheme, which, it may be noted, applies to shipments of cotton for a neutral destination only, the principal representatives of the American cotton interests described it to His Majesty's ambassador at Washington as conceding all that the American interests could properly ask. It was never suggested that vessels or cargoes with an enemy destination should be allowed to proceed. His Majesty's Government were, moreover, given to understand that the provisions of the arrangement were acceptable to the United States Government.

Fifth. It is intended shortly to furnish a statement showing precisely what cargoes or portions of cargoes His Majesty's Government have dealt with under the above arrangement, and as regards those which they have decided to purchase at the contract price under the terms of paragraph A of the arrangement direct discussions have already been opened with the special representatives of the American parties interested in London.

Sixth. A considerable portion of the cotton has already been sold, and arrangements are being made for handing over the proceeds to the parties entitled to receive the total value as a first installment of the completed transaction. It is obvious that all these arrangements require some time for adjustment. Meanwhile it is not believed that the original owners can, as appears to be apprehended, be suffering acutely by the delay of full payment. It is to be presumed that in accordance with the customs of trade the owners drew bills to the value of their goods before or at the time of shipment; and, if such bills have been negotiated in the usual way, it is difficult to understand why the drawers should be put to inconvenience on this account, at least before the date when the bills fall due.

Seventh. On an impartial review of the facts it will, His Majesty's Government feel sure, be admitted that no arbitrary interference with American interests has, in regard to these cargoes, occurred, seeing that His Majesty's Government has acted throughout in conformity with the terms of an arrangement agreeable to the interests concerned and that United States citizens will suffer no pecuniary loss.

Eighth. As regards other American cargoes or portions of cargoes which have been placed in the prize court, His Majesty's Government resort to this measure in cases where either the goods concerned are contraband or there is evidence that although ostensibly consigned to a person in neutral countries they are in reality destined to the enemy in contravention of the rules of blockade. The right to submit such cases to the public investigation of a judicial tribunal is one which His Majesty's Government can not forego, and they feel convinced that the enlightened opinion in the United States can not adversely criticize their course of action in this respect.

Ninth. It is true that a number of these cases have been pending in the prize court for some time. This is notably the case in regard to certain vessels carrying large shipments of meat and lard ostensibly consigned to Scandinavian ports. The United States Government are, however, no doubt aware that much of the delay involved in these instances is due to the fact that the negotiations have been carried on for many weeks with a representative of the principal American meat packers, for an arrangement designated to limit importation into neutral countries adjacent to Germany, to quantities actually required in those countries for bona fide home consumption. The American meat packers have demanded as a part of the settlement to be agreed upon, that His Majesty's Government should buy the cargoes of several ships now held up in the prize court. Hence the delay in bringing these cases to adjudication.

The negotiations for an amicable settlement have, unfortunately, come to a standstill owing to the exorbitant terms insisted upon by the representative of the American packers. This stage having now been reached His Majesty's Government have decided to go on with the prize-court proceedings in these cases, and it is not expected that a decision will be much longer delayed.

Tenth. It may finally be pointed out that repeated complaint, as to injury suffered generally by American trade in consequence of interference due to British naval measures, derives little substance from the published American trade returns. A table of figures taken from these returns and showing the amount of recent American trade with Germany and with neutral countries supplying Germany, is annexed hereto. It certainly tends to disprove any contention that American trade with neutral countries has recently suffered. It will be seen that whereas American exports to Germany and Austria in February, 1915, fell by \$21,500,000, as compared with the same month in 1914, American exports to Scandinavia, Holland, and Italy rose by the enormous figure of \$61,100,000.

Eleventh. Similar figures for the month of March have not yet reached His Majesty's Government, but they have received statistics for that month of the value of exports and imports through New York, as issued by the collector of the port, and while pointing out a large increase in the value of exports in 1915, compared with those of 1914, as shown in the tables annexed, they desire especially to call attention to a separate statement indicating the increase in the amount of the export to Scandinavian and Dutch ports of two commodities only—bacon and lard. These figures show that as against 1,253 boxes of bacon and 9,816 tierces of lard exported to the ports noted in the above countries in March, 1914, there were exported in March, 1915, 32,222 boxes of bacon and 55,076 tierces of lard.

Twelfth. His Majesty's Government consider that the abnormal increase in supplies imported by neutral countries, as shown in these statistics, alone justifies their assumption as to the ultimate destination of many items in cargoes consigned to one or the other of the

countries in question in the vessels which they have detained, but they would call attention to the fact that it is only when they have believed themselves to be in possession of conclusive evidence of the enemy destination of a cargo that they have seized such a cargo, and that American interests, as for instance in the case of cotton, have received especially sympathetic consideration. (The New York Times, May 21, 1915.)

No. 48. Statement of the Secretary of State, May 21, 1915, regarding an error in No. 47.

The foreign-trade advisers' attention has been called to the statement of the foreign office of Great Britain, published in this morning's papers, an extract from which follows:

"Fourth. In accepting this scheme, which, it may be noted, applies to shipments of cotton for a neutral destination only, the principal representatives of the American interests described it to His Majesty's ambassador at Washington as conceding all that the American interests could properly ask. It was never suggested that vessels or cargoes with an enemy destination should be allowed to proceed. His Majesty's Government were, moreover, given to understand that the provisions of the arrangements were acceptable to the United States Government."

The plan referred to is the one which was entered into between the cotton shippers of this country and the British embassy, a portion of which is quoted in the statement of the British foreign office.

Without discussing at this time the statement that "it was never suggested that vessels or cargoes with an enemy destination should be allowed to proceed," the foreign-trade advisers, who informally and unofficially represented the cotton shippers in the negotiations which led to the so-called cotton arrangement, state that it was distinctly understood between Sir Arthur Cecil Spring-Rice, the British ambassador, and Robert F. Rose, the foreign-trade adviser conducting this discussion on behalf of the American cotton exporters, that nothing done by the foreign-trade advisers should be regarded as official, and that everything done was to be considered as informal and unofficial, and in no way binding the United States Government to any arrangement reached, or be construed as a recognition of the order in council to be issued or the declaration of March 1 which has been issued. This statement was made to the British ambassador on March 3 when the first conference in the matter was held, was repeated at each subsequent conference, and each time the absolute assurance from the British ambassador was received that, in acting for the cotton shippers in any way, the foreign-trade advisers were to be regarded as not representing the United States Government in any manner. (The New York Times, May 22, 1915.)

No. 49. Statement of the British embassy, May 21, 1915, correcting the error in No. 47.

The terms of the arrangement quoted in the British statement as telegraphed were arrived at in London between a private representative of the American cotton interests in London and British officials in London. The reference to the British ambassador in paragraph 4 is, therefore, an error.

The arrangement in question formed the subject of conversations between the ambassador and representatives of the cotton interests in this country. There never was any question of a formal and official understanding between the United States Government and the British Embassy. (The New York Times, May 22, 1915.)

No. 50. First German note, May 28, 1915, regarding the loss of American lives and the injury to American commerce incidental to the naval warfare. (See No. 46.)

(The minister for foreign affairs to the American ambassador.)

The undersigned has the honor to make the following reply to the note of his excellency, Mr. James W. Gerard, ambassador of the United States of America, dated the 15th instant, on the subject of the impairment of many American interests by the German submarine war.

The Imperial Government has subjected the statements of the Government of the United States to a careful examination, and has the lively wish on its part also to contribute in a convincing and friendly manner to clear up any misunderstandings which may have entered into the relations of the two Governments through the events mentioned by the American Government.

With regard firstly to the cases of the American steamers *Cushing* and *Gulflight*, the American Embassy has already been informed that it is far from the German Government to have any intention of ordering attacks by submarines or flyers on neutral vessels in the zone which have not been guilty of any hostile act; on the contrary, the most explicit instructions have been repeatedly given the German armed forces to avoid attacking such vessels. If neutral vessels have come to grief through the German submarine war during the past few months by mistake, it is a question of isolated and exceptional cases, which are traceable to the misuse of flags by the British Government in connection with carelessness or suspicious actions on the part of the captains of the vessels. In all cases where a neutral vessel through no fault of its own has come to grief through the German submarine or flyers according to the facts as ascertained by the German Government, this Government has expressed its regret at the unfortunate occurrence and promised indemnification where the facts justified it. The German Government will treat the cases of the American steamers *Cushing* and *Gulflight* according to the same principles. An investigation of these cases is in progress. Its results will be communicated to the embassy shortly. The investigation might, if thought desirable, be supplemented by an international commission of inquiry, pursuant to title 3 of The Hague convention of October 18, 1907, for the pacific settlement of international disputes.

In the case of the sinking of the English steamer *Falaba*, the commander of the German submarine had the intention of allowing passengers and crew ample opportunity to save themselves.

It was not until the captain disregarded the order to lay to and took to flight, sending up rocket signals for help, that the German commander ordered the crew and passengers, by signals and megaphone, to leave the ship within 10 minutes. As a matter of fact he allowed them 23 minutes and did not fire the torpedo until suspicious steamers were hurrying to the aid of the *Falaba*.

With regard to the loss of life when the British passenger steamer *Lusitania* was sunk, the German Government has already expressed its deep regret to the neutral Governments concerned that nationals of those countries lost their lives on that occasion. The Imperial Government must state for the rest the impression that certain important facts most directly connected with the sinking of the *Lusitania* may have escaped the attention of the Government of the United States. It therefore considers it necessary in the interest of the clear and full understanding aimed at by either Government primarily to convince itself that the reports of the facts which are before the two Governments are complete and in agreement.

The Government of the United States proceeds on the assumption that the *Lusitania* is to be considered as an ordinary unarmed merchant vessel. The Imperial Government begs in this connection to point out that the *Lusitania* was one of the largest and fastest English commerce steamers, constructed with Government funds as auxiliary cruisers, and is expressly included in the navy list published by British Admiralty. It is, moreover, known to the Imperial Government, from reliable information furnished by its officials and neutral passengers, that for some time practically all the more valuable English merchant vessels have been provided with guns, ammunition, and other weapons, and reinforced with a crew specially practiced in manning guns. According to reports at hand here, the *Lusitania* when she left New York undoubtedly had guns on board which were mounted under decks and masked.

The Imperial Government furthermore has the honor to direct the particular attention of the American Government to the fact that the British Admiralty, by a secret instruction of February of this year, advised the British merchant marine not only to seek protection behind neutral flags and markings, but even when so disguised to attack German submarines by ramming them. High rewards have been offered by the British Government as a special incentive for the destruction of the submarines by merchant vessels, and such rewards have already been paid out. In view of these facts, which are satisfactorily known to it, the Imperial Government is unable to consider English merchant vessels any longer as "undefended territory" in the zone of maritime war designated by the admiralty staff of the Imperial German Navy; the German commanders are consequently no longer in a position to observe the rules of capture otherwise usual and with which they invariably complied before this. Lastly, the Imperial Government must specially point out that on her last trip the *Lusitania*, as on earlier occasions, had Canadian troops and munitions on board, including no less than 5,400 cases of ammunition destined for the destruction of brave German soldiers who are fulfilling with self-sacrifice and devotion their duty in the service of the Fatherland. The German Government believes that it acts in just self-defense when it seeks to protect the lives of its soldiers by destroying ammunition destined for the enemy with the means of war at its command. The English steamship company must have been aware of the dangers to which passengers on board the *Lusitania* were exposed under the circumstances. In taking them on board in spite of this the company quite deliberately tried to use the lives of American citizens as protection for the ammunition carried and violated the clear provisions of American laws which expressly prohibit, and provide punishment for, the carrying of passengers on ships which have explosives on board. The company thereby wantonly caused the death of so many passengers. According to the express report of the submarine commander concerned, which is further confirmed by all other reports, there can be no doubt that the rapid sinking of the *Lusitania* was primarily due to the explosion of the cargo of ammunition caused by the torpedo. Otherwise, in all human probability the passengers of the *Lusitania* would have been saved.

The Imperial Government holds the facts recited above to be of sufficient importance to recommend them to a careful examination by the American Government. The Imperial Government begs to reserve a final statement of its position with regard to the demands made in connection with the sinking of the *Lusitania* until a reply is received from the American Government, and believes that it should recall here that it took note with satisfaction of the proposals of good offices submitted by the American Government in Berlin and London with a view to paving the way for a *modus vivendi* for the conduct of maritime war between Germany and Great Britain. The Imperial Government furnished at that time ample evidence of its good will by its willingness to consider these proposals. The realization of these proposals failed, as is known, on account of their rejection by the Government of Great Britain.

The undersigned requests his excellency, the ambassador, to bring the above to the knowledge of the American Government and avails himself of the opportunity to renew, etc.

VON JAGOW.

(Dip. Corr.—leaflet.)

No. 51. German note, June 1, 1915, in reference to attacks on the *Gulflight* and the *Cushing*.

(The minister for foreign affairs to the American ambassador.)

Referring to the note of May 28, the undersigned has the honor to inform his excellency the American (sic) ambassador of the United States of America, Mr. James W. Gerard, that the examination undertaken on the part of the German Government concerning the American steamers *Gulflight* and *Cushing* has led to the following conclusions:

In regard to the attack on the steamer *Gulflight*, the commander of a German submarine saw on the afternoon of May 1, in the vicinity of the Scilly Islands, a large merchant steamer coming in his direction which was accompanied by two smaller vessels. These latter took such position in relation to the steamer that they formed a regulation safeguard against submarines; moreover, one of them had a wireless apparatus, which is not usual with small vessels. From this it evidently was a case of English convoy vessels. Since such vessels are frequently armed, the submarine could not approach the steamer on the surface of the water without running the danger of destruction. It was, on the other hand, to be assumed that the steamer was of considerable value to the British Government, since it was so guarded. The commander could see no neutral markings on it of any kind—that is, distinctive marks painted on the free-board recognizable at a distance, such as are now usual on neutral ships in the English zone of naval warfare. In consequence he arrived at the conclusion from all the circumstances that he had to deal with an English steamer, submerged, and attacked.

The torpedo came in the immediate neighborhood of one of the convoy ships, which at once rapidly approached the point of firing; that the submarine was forced to go to a great depth to avoid being rammed. The conclusion of the commander that an English convoy ship was concerned was in this way confirmed. That the attacked steamer carried the American flag was first observed at the moment of firing the shot. The fact that the steamship was pursuing a course which led neither to nor from America was a further reason why it did not occur to the commander of the submarine that he was dealing with an American steamship.

Upon scrutiny of the time and place of the occurrence described, the German Government has become convinced that the attacked steamship was actually the American steamship *Gulflight*. There can be no doubt, according to the attendant circumstances, that the attack is to be attributed to an unfortunate accident, and not to the fault of the commander. The German Government expresses its regrets

to the Government of the United States concerning this incident, and declares itself ready to furnish full recompense for the damage thereby sustained by American citizens. It is left to the discretion of the American Government to present a statement of this damage, or, if doubt may arise over individual points, to designate an expert who would have to determine, together with a German expert, the amount of damage.

It has not yet been possible by means of an inquiry to clear up fully the case of the American ship *Cushing*. Official reports available report only one merchant ship attacked by a German flying machine in the vicinity of Nordhind Lightship. The German aviator was forced to consider the vessel as hostile because it carried no flag, and, further, because of no recognizable neutral markings. The attack of four bombs was, of course, not aimed at any American ship.

However, that the ship attacked was the American steamer *Cushing* is possible, considering the time and place of the occurrence. Nevertheless, the German Government accordingly requests of the American Government that it communicate to the German Government the material which was submitted for judgment, in order that, with this as a basis, a further position can be taken in the matter.

The undersigned leaves it to the ambassador to bring the foregoing to the immediate attention of his Government, and takes this opportunity to renew to him the assurance of his most distinguished consideration.

VON JAGOW, Minister for Foreign Affairs.

(The New York Times, June 5, 1915.)

No. 52. Second German note, June 7, 1915, in regard to the *William P. Frye*. (See Nos. 37, 39, and 43.)

(The minister for foreign affairs to the American ambassador.)

The undersigned has the honor to make the following reply to the note of his excellency, Mr. James W. Gerard, ambassador of the United States of America, dated April 30, 1915, foreign office No. 3291, on the subject of the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*.

The German Government can not admit that, as the American Government assumes, the destruction of the sailing vessel mentioned constitutes a violation of the treaties concluded between Prussia and the United States at an earlier date and now applicable to the relations between the German Empire and the United States, or of the American rights derived therefrom; for these treaties did not have the intention of depriving one of the contracting parties engaged in war of the right of stopping the supply of contraband to his enemy when he recognizes the supply of such as detrimental to his military interests.

On the contrary, article 13 of the Prussian-American treaty of July 11, 1799, expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband. It follows, then, that if it can not be accomplished in any other way the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it. As a matter of course, the obligation of the party at war to pay compensation to the parties interested of the neutral contracting party remains in force whatever be the manner of stopping the supply.

According to general principles of international law, any exercises of the right of control over the trade in contraband is subject to the decision of the prize courts, even though such right may be restricted by special treaties.

At the beginning of the present war Germany, pursuant to these principles, established by law prize jurisdiction for cases of the kind under consideration. The case of the *William P. Frye* is likewise subject to the German prize jurisdiction, for the Prussian-American treaties mentioned contain no stipulation as to how the amount of the compensation, provided by article 13 of the treaties, cited, is to be fixed.

The German Government therefore complies with its treaty obligations to a full extent when the prize courts instituted by it in accordance with international law proceed in pursuance to the treaty stipulation and thus award the American interested an equitable indemnity. There would therefore be no foundation for a claim of the American Government unless the prize court should not grant indemnity in accordance with the treaty; in such event, however, the German Government would not hesitate to arrange for equitable indemnity notwithstanding.

For the rest, prize proceedings of the case of the *Frye* are indispensable, apart from the American claims, for the reason that other claims of the neutral and enemy interested parties are to be considered in the matter.

As was stated in the note of April 4 last, the prize court should have to decide the question whether the destruction of the ship and cargo was legal, whether and under what conditions the property sunk was liable to confiscation, and to whom and in what amount indemnity is to be paid, provided application therefor is received.

Since the decision of the prize court must first be awaited before any further position is taken by the German Government, the simplest way for the American interested parties to settle their claims would be to enter them in the competent records in accordance with the provision of the German code of prize proceedings.

The undersigned begs to suggest that the ambassador bring the above to the knowledge of his Government and avail himself, etc.

VON JAGOW.

(The New York Times, June 11, 1915.)

No. 53. Second American note, June 9, 1915, regarding the loss of American lives and the injury to American commerce incidental to the naval warfare. (See Nos. 46 and 50.)

(The Secretary of State ad interim to the American ambassador at Berlin.)

You are instructed to deliver textually the following note to the minister of foreign affairs:

In compliance with your excellency's request I did not fail to transmit to my Government immediately upon their receipt your note of May 28 in reply to my note of May 16, and your supplementary note of June 1, setting forth the conclusions so far as reached by the Imperial German Government concerning the attacks on the American steamers *Cushing* and *Gulflight*. I am now instructed by my Government to communicate the following in reply:

The Government of the United States notes with gratification the full recognition by the Imperial German Government, in discussing the cases of the *Cushing* and the *Gulflight*, of the principle of the freedom of all parts of the open sea to neutral ships and the frank willingness of the Imperial German Government to acknowledge and meet its liability where the fact of attack upon neutral ships "which have not been guilty of any hostile act" by German aircraft or vessels of war is

satisfactorily established; and the Government of the United States will in due course lay before the Imperial German Government, as it requests, full information concerning the attack on the steamer *Cushing*.

With regard to the sinking of the steamer *Falaba*, by which an American citizen lost his life, the Government of the United States is surprised to find the Imperial German Government contending that an effort on the part of a merchantman to escape capture and secure assistance alters the obligation of the officer seeking to make the capture in respect of the safety of the lives of those on board the merchantman, although the vessel had ceased her attempt to escape when torpedoed. These are not new circumstances. They have been in the minds of statesmen and of international jurists throughout the development of naval warfare, and the Government of the United States does not understand that they have ever been held to alter the principles of humanity upon which it has insisted. Nothing but actual forcible resistance or continued efforts to escape by flight when ordered to stop for the purpose of visit on the part of the merchantman has ever been held to forfeit the lives of her passengers or crew. The Government of the United States, however, does not understand that the Imperial German Government is seeking in this case to relieve itself of liability, but only intends to set forth the circumstances which led the commander of the submarine to allow himself to be hurried into the course which he took.

Your excellency's note, in discussing the loss of American lives resulting from the sinking of the steamship *Lusitania*, adverts at some length to certain information which the Imperial German Government has received with regard to the character and outfit of that vessel, and your excellency expresses the fear that this information may not have been brought to the attention of the Government of the United States.

It is stated in the note that the *Lusitania* was undoubtedly equipped with masked guns, supplied with trained gunners and special ammunition, transporting troops from Canada, carrying a cargo not permitted under the laws of the United States to a vessel also carrying passengers, and serving, in virtual effect, as an auxiliary to the naval forces of Great Britain. Fortunately these are matters concerning which the Government of the United States is in a position to give the Imperial German Government official information. Of the facts alleged in your excellency's note, if true, the Government of the United States would have been bound to take official cognizance in performing its recognized duty as a neutral power and in enforcing its national laws. It was its duty to see to it that the *Lusitania* was not armed for offensive action; that she was not serving as a transport; that she did not carry a cargo prohibited by the statutes of the United States; and that if in fact she was a naval vessel of Great Britain she should not receive clearance as a merchantman; and it performed that duty and enforced its statutes with scrupulous vigilance through its regularly constituted officials. It is able, therefore, to assure the Imperial German Government that it has been misinformed. If the Imperial German Government should deem itself to be in possession of convincing evidence that the officials of the Government of the United States did not perform these duties with thoroughness, the Government of the United States sincerely hopes that it will submit that evidence for consideration.

Whatever may be the contentions of the Imperial German Government regarding the carriage of contraband of war on board the *Lusitania* or regarding the explosion of that material by the torpedo, it need only be said that in the view of this Government these contentions are irrelevant to the question of the legality of the methods used by the German naval authorities in sinking the vessel.

But the sinking of passenger ships involves principles of humanity which throw into the background any special circumstances of detail that may be thought to affect the cases, principles which lift it, as the Imperial German Government will no doubt be quick to recognize and acknowledge, out of the class of ordinary subjects of diplomatic discussion or of international controversy. Whatever be the other facts regarding the *Lusitania*, the principal fact is that a great steamer, primarily and chiefly a conveyance for passengers, and carrying more than a thousand souls who had no part or lot in the conduct of the war, was torpedoed and sunk without so much as a challenge or a warning, and that men, women, and children were sent to their death in circumstances unparalleled in modern warfare. The fact that more than 100 American citizens were among those who perished made it the duty of the Government of the United States to speak of these things and once more, with solemn emphasis, to call the attention of the Imperial German Government to the grave responsibility which the Government of the United States conceives that it has incurred in this tragic occurrence, and to the indisputable principle upon which that responsibility rests. The Government of the United States is contending for something much greater than mere rights of property or privileges of commerce. It is contending for nothing less high and sacred than the rights of humanity, which every Government honors itself in respecting and which no Government is justified in resigning on behalf of those under its care and authority. Only her actual resistance to capture or refusal to stop when ordered to do so for the purpose of visit could have afforded the commander of the submarine any justification for so much as putting the lives of those on board the ship in jeopardy. This principle the Government of the United States understands the explicit instructions issued on August 3, 1914, by the Imperial German Admiralty to its commanders at sea to have recognized and embodied, as do the naval codes of all other nations, and upon it every traveler and seaman had a right to depend. It is upon this principle of humanity as well as upon the law founded upon this principle that the United States must stand.

The Government of the United States is happy to observe that Your Excellency's note closes with the intimation that the Imperial German Government is willing, now as before, to accept the good offices of the United States in an attempt to come to an understanding with the Government of Great Britain by which the character and conditions of the war upon the sea may be changed. The Government of the United States would consider it a privilege thus to serve its friends and the world. It stands ready at any time to convey to either Government any intimation or suggestion the other may be willing to have it convey, and cordially invites the Imperial German Government to make use of its services in this way at its convenience. The whole world is concerned in anything that may bring about even a partial accommodation of interests or in any way mitigate the terrors of the present distressing conflict.

In the meantime, whatever arrangement may happily be made between the parties to the war, and whatever may in the opinion of the Imperial German Government have been the provocation or the circumstantial justification for the past acts of its commanders at sea, the Government of the United States confidently looks to see the justice

and humanity of the Government of Germany vindicated in all cases where Americans have been wronged or their rights as neutrals invaded.

The Government of the United States therefore very earnestly and very solemnly renews the representations of its note transmitted to the Imperial German Government on the 15th of May, and relies in these representations upon the principles of humanity, the universally recognized understandings of international law, and the ancient friendship of the German nation.

The Government of the United States can not admit that the proclamation of a war zone from which neutral ships have been warned to keep away may be made to operate as in any degree an abbreviation of the rights either of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality. It does not understand the Imperial German Government to question those rights. It understands also it to accept as established beyond question the principle that the lives of noncombatants can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unresisting merchantman, and to recognize the obligation to take sufficient precaution to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag. The Government of the United States therefore deems it reasonable to expect that the Imperial German Government will adopt the measures necessary to put these principles into practice in respect of the safeguarding of American lives and American ships, and asks for assurances that this will be done.

ROBERT LANSING.

(Dip. Corr.—leaflet.)

No. 54. British memorandum, June 17, 1915, in reference to the treatment of American commerce. (According to the letter of the American ambassador transmitting the memorandum. "It is not an answer to the principles set forth in the note . . . of March 30 (No. 36), but merely an explanation of concrete cases and the regulations under which they are dealt with." See Nos. 61 and 56.)

(The secretary of state for foreign affairs ad interim to the American ambassador.)

1. His Majesty's Government have on various occasions, and notably in the communication which was addressed to the United States ambassador on March 15 last, given assurances to the United States Government that they would make it their first aim to minimize the inconvenience which must inevitably be caused to neutral commerce from the existence of a state of war at sea, and in particular from the measures taken by the allied governments for the restriction of the enemies' over-sea trade. In view of the representation and complaints made to this department by the ambassador from time to time as to the peculiar hardships alleged to have been wrongly inflicted on American trade and shipping by the operation of those measures, His Majesty's Government desire to offer the following observations respecting the manner in which they have consistently endeavored to give practical effect to those assurances.

2. It will be recalled that at the moment when His Majesty's Government announced their measures against enemy commerce, they declared their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes which belligerents had always previously claimed in respect to breaches of blockade; that, under article 1 of the enactment of March 11 it was expressly provided that any person claiming to be interested in goods placed in the prize court in pursuance of the provision of that enactment, might forthwith issue a writ against the proper officers of the Crown, the object being to confer upon claimants the right to institute proceedings without waiting for the writ of the procurator general, and thus to remove all possible cause of legitimate grievance on account of delay; and that, finally, a pacific assurance was given to the United States Government that the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive officials concerned, would impress upon them the duty of acting with the utmost dispatch consistent with the object in view and of showing in every case such consideration for neutrals as might be compatible with that object, namely, to prevent vessels carrying goods for or coming from the enemy's territory.

3. The above measures were all designed to alleviate the burdens imposed upon neutral sea-borne commerce in general. Various special concessions, over and above those enumerated, have, moreover, been made in favor of United States citizens.

4. Thus His Majesty's Government have acted as regards shipments of American cotton, in accordance with the provisions of an arrangement arrived at in direct collaboration with representatives of the American cotton interests. In accepting this scheme the principal representative of those interests described it as conceding all that American interests could properly ask. The provisions of the arrangement were, as the United States ambassador is aware, as follows:

"1. All cotton for which contracts of sale and freight engagements have already been made before the 2d of March is to be allowed free (or bought at contract price is stopped), provided the ship sails not later than the 31st of March.

"2. Similar treatment is to be accorded to all cotton insured before the 2d of March, provided it is put on board not later than the 16th of March.

"3. All shipments of cotton claiming the above protection are to be declared before sailing, and the documents produced to, and certificates obtained from consular officers or other authority fixed by the government."

5. Considerable shipments of cotton have already been dealt with under this arrangement, and in certain cases the dates specified have been extended in favor of American shippers. The board of trade have already paid a sum exceeding £450,000 to various American claimants, and all claims are being and will continue to be paid as rapidly as they are presented and the proofs of title can be checked. If in some cases progress has been delayed, this has been due to the fact which has seriously embarrassed His Majesty's Government—that a number of consignments, for which the American shippers had specifically invoked the protection of the arrangement, are now claimed by Swedish and Dutch firms, whose title of ownership, notwithstanding the action of the American shippers, appears in some cases to be valid, and in others has led to the issue of writs in the prize court.

6. It has been explicitly acknowledged by the special representatives of the American claimants who have been in constant and direct communication with the board of trade, that all the claims so far submitted under the cotton arrangement have been settled with the utmost promptitude, so soon as the production of the necessary documents by the claimants allowed of this being done. There is, at the present moment, no claim before His Majesty's Government that has not been paid, and the sums so paid over are already considerably in excess of the amounts realized by the sale of the goods.

7. As regards the more general allegation of delay in dealing with cases of detained cargoes, the following facts and figures may be quoted:

The total number of vessels which, having cleared from United States ports since the initiation of the retaliatory measures against German trade, are still detained in United Kingdom ports is 27; of this number 8 are discharging cotton which His Majesty's Government has agreed to purchase under the above arrangement. Of the remaining 19 vessels, 7 are free to depart as soon as the items of their cargo placed in the prize court have been discharged. The other 12, of which 3 only are American ships, are detained pending inquiries as to suspicious consignments, and particulars as to the dates and approximate causes of detention are furnished in the accompanying list. It will be observed that 8 have been detained for a period of less than a week, and 3 for a period of less than a fortnight, while the detention of 1 is due to the difficulties in regard to transit across Sweden and Russia.

8. His Majesty's Government remain convinced that, on an impartial review of the facts, it will be admitted that no arbitrary interference with American interests has, in regard to cotton cargoes, occurred; while if due regard be paid to the enormous volume of American and neutral shipping which is continually engaged in the trans-Atlantic trade, the figures and dates quoted in the preceding paragraph will emphasize the restricted nature of any interference which has taken place, and the close attention with which the officials concerned have adhered to their instructions to act in all cases with expedition and with every possible consideration for neutrals.

9. Since His Majesty's Government have been compelled to adopt their present measures against German commerce, they have given special consideration to the question of avoiding as far as possible unnecessary damage to the interests of neutrals in regard to the export of goods of German origin, and here, again, liberal concessions have been made to United States citizens. Under the rules enacted on the 11th of March provision is made for the investigation of all neutral claims respecting such goods in the prize court, and it is obvious that these claims can receive due and equitable consideration most properly before a judicial tribunal. Nevertheless, in deference to the express desire of the United States Government, arrangements were made toward the end of March whereby United States citizens, who might desire to import goods of German origin via a neutral port, were enabled to produce proof of payment to His Majesty's Embassy at Washington. If such proof were deemed satisfactory, His Majesty's Government gave an undertaking that the goods concerned should not be interfered with in transit, and the American importer was freed from the necessity of submitting his claim to the prize court in London for adjudication. A few days later His Majesty's Government further agreed to recognize the neutral ownership of goods of enemy origin even if not paid for before the 1st March, provided they were the subject of a f. o. b. contract of carrier date, and had arrived at a neutral port before the 15th March.

10. Special treatment has also been accorded to cargoes of particular produce destined for the United States and stated to be indispensable for the industries of the country, and, in notes addressed to the United States Ambassador in April and May, undertakings were given not to interfere during transit with certain cargoes of dyestuffs, potash, and German beet seed.

11. When it became apparent that large quantities of enemy goods were still passing out through neutral countries His Majesty's Government felt it necessary to fix a definite date after which such shipments must cease to enjoy the special immunity, theretofore granted, from liability to being placed in the prize court. It had been observed that a large increase had taken place in the number of vessels sailing from neutral countries to America, and one of the principal lines of steamships advertised a daily in place of a weekly service. In such circumstances it appeared scarcely possible that goods of enemy origin bought and paid for prior to the 1st March should not have already been shipped to their destination. First June was accordingly fixed as the date after which the privilege allowed in the case of such shipments should cease; but once more a special favor was granted by extending the date in exceptional cases to the 15th June.

12. Importers in the United States having now had three months in which to clear off their purchases in enemy territory, His Majesty's Government trust that, in presence of the circumstances enumerated, the United States Government will acknowledge the great consideration which has been shown to American interests.

13. Nevertheless a fresh appeal has now been made to His Majesty's Government that shipments of American-owned goods of enemy origin, if paid for before the beginning of March, should be allowed to be shipped without molestation after the 15th June. The appeal is based principally upon the contentions, (a) that insufficient time has already elapsed; (b) that no mention of a time limit is made in the enactment of the 11th March; (c) that the proofs of ownership required by His Majesty's Government are of an exacting nature and involve much time for preparation.

14. The first contention (a) has already been dealt with. As regards (b) and (c) it is true that the enactment of the 11th March contains no mention of a time limit. But it seems to be overlooked that the time limit had been fixed only for the special immunity granted as an exception from that enactment. It was as a friendly concession to American interests that His Majesty's Government agreed to an investigation of claims outside the prize court. As for the exacting nature of the proofs required by His Majesty's Government, experience has shown that such proofs were necessary.

15. In deference, however, to the renewed representations of the United States Ambassador, His Majesty's Government have given further directions that in all such cases, as may have been specially submitted through the British Embassy at Washington or to His Majesty's Government direct on or before June 15 and passed, the goods shall be allowed to proceed without interference, if shipped from a neutral port on the conditions already laid down, notwithstanding the fact that shipment may not have been made before June 15.

16. His Majesty's Government will also be prepared hereafter to give special consideration to cases presented to them and involving particular hardships, if the goods concerned are required for neutral Governments or municipalities, or in respect of works or public utility, and where payment can be shown to have been made before March 1, 1915.

17. With the above exceptions, His Majesty's Government regret they can not continue to deal through the diplomatic channel with individual cases, but they would again point out that special provision is made for the consideration of such cases in the prize court.

18. Complaints have not infrequently been made that undue delay occurs in dealing with American cargoes in the prize court. An in-

interesting comment on this subject was made by the president of the prize court in the case of the cargo ex-steamship *Ogechee* on the 14th instant. His lordship, according to the transcript from the official shorthand writer's notes, made the following observations:

"It is a very extraordinary thing that, when the Crown are ready to go on the claimants come here and say, 'We can not proceed for six weeks.' Some day toward the end of last term I had a row of eminent counsel in front pressing me to fix a case at once. I fixed it very nearly at once—that is to say, the second day of the following term. They all came and said, 'We want an adjournment for six weeks.'"

19. The solicitor general hereupon remarked: "If I might say so on that, one of the reasons I applied to-day on behalf of the Crown that the matter should be dealt with as soon as possible is for that very reason. There has been such a strong desire on the part of America and American citizens that there should be no delay, but one finds, in fact, the delay comes from there."

20. The President then stated: "I know that. I do not know what the explanation is, but I am anxious that there should be no delay."

21. It is true that a number of cases, principally relating to cargoes which, though ostensibly consigned to a person in a neutral country, are in reality believed to be destined for the enemy, have been pending in the prize court for some time. The United States Government are aware that most of these cargoes consist of meat and lard, and that much of the delay in bringing these cargoes to adjudication was due to the fact that negotiations were being carried on for many weeks with a representative of the principal American meat packers, for an amicable settlement out of court. When at length, owing to the failure of the negotiations, His Majesty's Government decided that they would continue the prize-court proceedings and had at the request of the claimants fixed the earliest possible date for the hearing, counsel for the latter asked for an adjournment in their interests, despite the fact that the Crown was, by his own admission, ready to proceed.

22. His Majesty's Government are earnestly desirous of removing all causes of avoidable delay in dealing with American cargoes and vessels which may be detained, and any specific inquiries or representations which may be made by the United States Government in regard to particular cases will always receive the most careful consideration, and all information which can be afforded without prejudice to prize-court proceedings will be readily communicated, but they can scarcely admit that on the basis of actual facts any substantial grievance on the part of American citizens is justified or can be sustained, and they therefore confidently appeal to the opinion of the United States Government as enlightened by this memorandum. (The New York Times, June 25, 1915.)

No. 55. Third American note, June 24, 1915, in regard to the *William P. Frye*. (See Nos. 37, 39, 43, and 52.)

(The Secretary of State to the American ambassador at Berlin.)

You are instructed to present the following note to the German Minister of Foreign Affairs:

I have the honor to inform your excellency that I duly communicated to my Government your note of the 7th instant on the subject of the claim presented in my note of April 3 last on behalf of the owners and captain of the American sailing vessel *William P. Frye* in consequence of her destruction by the German auxiliary cruiser *Prinz Eitel Friedrich*.

In reply I am instructed by my Government to say that it has carefully considered the reasons given by the Imperial German Government for urging that this claim should be passed upon by the German prize court instead of being settled by direct diplomatic discussion between the two Governments, as proposed by the Government of the United States, and that it regrets to find that it can not concur in the conclusions reached by the Imperial German Government.

As pointed out in my last note to you on this subject, dated April 30, the Government of the United States has considered that the only question under discussion was the method which should be adopted for ascertaining the amount of the indemnity to be paid under an admitted liability, and it notes with surprise that in addition to this question the Imperial German Government now desires to raise some questions as to the meaning and effect of the treaty stipulations under which it has admitted its liability.

If the Government of the United States correctly understands the position of the Imperial German Government as now presented, it is that the provisions of article 13 of the treaty of 1799 between the United States and Prussia, which is continued in force by the treaty of 1828, justified the commander of the *Prinz Eitel Friedrich* in sinking the *William P. Frye*, although making the Imperial German Government liable for the damages suffered in consequence, and that inasmuch as the treaty provides no specific method for ascertaining the amount of indemnity to be paid, that question must be submitted to the German prize court for determination.

The Government of the United States, on the other hand, does not find in the treaty stipulation mentioned any justification for the sinking of the *Frye*, and does not consider that the German prize court has any jurisdiction over the question of the amount of indemnity to be paid by the Imperial German Government on account of its admitted liability for the destruction of an American vessel on the high seas.

You state in your note of the 7th instant that article 13 of the above-mentioned treaty of 1799 "expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows, then, that if it can not be accomplished in any other way the stopping of the supply may be in the extreme case effected by the destruction of the contraband and of the ship carrying it."

The Government of the United States can not concur in this conclusion. On the contrary, it holds that these treaty provisions do not authorize the destruction of a neutral vessel in the circumstances. By its express terms the treaty prohibits even the detention of a neutral vessel carrying contraband if the master of the vessel is willing to surrender the contraband. Article 13 provides: "In the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be permitted to do it, and the vessel shall not in that case be carried into any port nor further detained, but shall be allowed to proceed on her voyage."

In this case the admitted facts show that, pursuant to orders from the commander of the German cruiser, the master of the *Frye* undertook to throw overboard the cargo of that vessel, but that before the work of delivering out the cargo was finished the vessel with the cargo was sunk by order of the German commander.

For these reasons, even if it be assumed, as your excellency has done, that the cargo was contraband, your contention that the destruction of the vessel was justified by the provisions of article 13 does not seem to be well founded. The Government of the United States has not thought it necessary in the discussion of this case to go into the question of the contraband or noncontraband character of the cargo. The Imperial German Government has admitted that this question makes no difference so far as its liability for damages is concerned, and the result is the same so far as the justification for the sinking of the vessel is concerned. As shown above, if we assume that the cargo was contraband, the master of the *Frye* should have been allowed to deliver it out, and the vessel should have been allowed to proceed on her voyage.

On the other hand, if we assume that the cargo was noncontraband, the destruction either of the cargo or the vessel could not be justified in the circumstances of this case under any accepted rule of international law.

Attention is also called to the provisions of article 12 of the treaty of 1785 between the United States and Prussia, which, like article 13 of the treaty of 1799, was continued in force by article 12 of the treaty of 1828. So far as the provisions of article 12 of the treaty of 1785 apply to the question under consideration, they are as follows:

"If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, in so much that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other."

It seems clear to the Government of the United States, therefore, that whether the cargo of the *Frye* is regarded as contraband or as noncontraband, the destruction of the vessel was, as stated in my previous communication on this subject, "a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia."

For these reasons the Government of the United States must disagree with the contention which it understands is now made by the Imperial German Government, that an American vessel carrying contraband may be destroyed without liability or accountability beyond the payment of such compensation for damages as may be fixed by a German prize court. The issue thus presented arises on a disputed interpretation of treaty provisions, the settlement of which requires direct diplomatic discussion between the two Governments and can not properly be based upon the decision of the German prize court, which is in no way conclusive or binding upon the Government of the United States.

Moreover, even if no disputed question of treaty interpretation was involved, the admission by the Imperial German Government of its liability for damages for sinking the vessel would seem to make it unnecessary, so far as this claim is concerned, to ask the prize court to decide "whether the destruction of the ship and cargo was legal, and whether and under what conditions the property sunk was liable to confiscation," which, you state in your note dated June 7, are questions which should be decided by the prize court. In so far as these questions relate to the cargo, they are outside of the present discussion, because, as pointed out in my previous note to you on the subject dated April 30, "the claim under discussion does not include damages for the destruction of the cargo."

The real question between the two Governments is what reparation must be made for a breach of treaty obligations, and that is not a question which falls within the jurisdiction of a prize court.

In my note on the subject, the Government of the United States requested that "full reparation be made by the Imperial German Government for the destruction of the *William P. Frye*." Reparation necessarily includes an indemnity for the actual pecuniary loss sustained, and the Government of the United States takes this opportunity to assure the Imperial German Government that such an indemnity, if promptly paid, will be accepted as satisfactory reparation, but it does not rest with a prize court to determine what reparation should be made, or what reparation would be satisfactory to the Government of the United States.

Your excellency states in your note of June 7 that in the event the prize court should not grant indemnity in accordance with treaty requirements, the German Government would not hesitate to arrange for equitable indemnity, but it is also necessary that the Government of the United States should be satisfied with the amount of the indemnity, and it would seem to be more appropriate and convenient that an arrangement for equitable indemnity should be agreed upon now, rather than later. The decision of the prize court, even on the question of the amount of indemnity to be paid, would not be binding or conclusive on the Government of the United States.

The Government of the United States also dissents from the view expressed in your note that "there would be no foundation for a claim of the American Government unless the prize courts should not grant indemnity in accordance with the treaty." The claim presented by the American Government is for an indemnity for a violation of a treaty. In distinction from an indemnity in accordance with the treaty, and therefore is a matter for adjustment by direct diplomatic discussion between the two Governments, and is in no way dependent upon the action of a German prize court.

For the reasons above stated the Government of the United States can not recognize the propriety of submitting the claim presented by it on behalf of the owners and captain of the *Frye* to the German prize court for settlement.

The Government of the United States is not concerned with any proceedings which the Imperial German Government may wish to take on "other claims of neutral and enemy interested parties" which have not been presented by the Government of the United States, but which you state in your note of June 7 make prize court proceedings in this case indispensable, and it does not perceive the necessity for postponing the settlement of the present claim pending the consideration of those other claims by the prize court.

The Government of the United States, therefore, suggests that the Imperial German Government reconsider the subject in the light of these considerations, and, because of the objections against resorting to the prize court, the Government of the United States renews its former suggestion that an effort be made to settle this claim by direct diplomatic negotiations.

LANSING.

(The New York Times, June 29, 1915.)

No. 56. Second German note, July 8, 1915, regarding the loss of American lives and the injury to American commerce incidental to the naval warfare. (See Nos. 46, 50, 51, and 53.)

(The minister for foreign affairs to the American ambassador.)

The undersigned has the honor to make the following reply to his excellency Ambassador Gerard to the note of the 10th ultimo re the impairment of American interests by the German submarine war:

The Imperial Government learned with satisfaction from the note how earnestly the Government of the United States is concerned in seeing the principles of humanity realized in the present war. Also this appeal finds ready echo in Germany, and the Imperial Government is quite willing to permit its statements and decisions in the present case to be governed by the principles of humanity just as it has done always.

The Imperial Government welcomed with gratitude when the American Government, in the note of May 15, itself recalled that Germany had always permitted itself to be governed by the principles of progress and humanity in dealing with the law of maritime war.

Since the time when Frederick the Great negotiated with John Adams, Benjamin Franklin, and Thomas Jefferson the treaty of friendship and commerce of September 9, 1785, between Prussia and the Republic of the West, German and American statesmen have, in fact, always stood together in the struggle for the freedom of the seas and for the protection of peaceable trade.

In the international proceedings which since have been conducted for the regulation of the laws of maritime war, Germany and America have jointly advocated progressive principles, especially the abolishment of the right of capture at sea and the protection of the interests of neutrals.

Even at the beginning of the present war the German Government immediately declared its willingness, in response to proposals of the American Government, to ratify the declaration of London and thereby subject itself in the use of its naval forces to all the restrictions provided therein in favor of neutrals.

Germany likewise has been always tenacious of the principle that war should be conducted against the armed and organized forces of an enemy country, but that the enemy civilian population must be spared as far as possible from the measures of war. The Imperial Government cherishes the definite hope that some way will be found when peace is concluded, or perhaps earlier, to regulate the law of maritime war in a manner guaranteeing the freedom of the seas, and will welcome it with gratitude and satisfaction if it can work hand in hand with the American Government on that occasion.

If in the present war the principles which should be the ideal of the future have been traversed more and more, the longer its duration, the German Government has no guilt therein. It is known to the American Government how Germany's adversaries, by completely paralyzing peaceable traffic between Germany and neutral countries, have aimed from the very beginning and with increasing lack of consideration at the destruction not so much of the armed forces as the life of the German nation, repudiating in doing so all the rules of international law and disregarding all rights of neutrals.

On November 3, 1914, England declared the North Sea a war area, and by planting poorly anchored mines and by the stoppage and capture of vessels, made passage extremely dangerous and difficult for neutral shipping, thereby actually blockading neutral coasts and ports, contrary to all international law. Long before the beginning of submarine war England practically completely intercepted legitimate neutral navigation to Germany also. Thus Germany was driven to a submarine war on trade.

On November 14, 1914, the English premier declared in the House of Commons that it was one of England's principal tasks to prevent food for the German population from reaching Germany via neutral ports. Since March 1 England has been taking from neutral ships without further formality all merchandise proceeding to Germany as well as all merchandise coming from Germany even when neutral property. Just as it was also with the Boers, the German people is now to be given the choice of perishing from starvation with its women and children or of relinquishing its independence.

While our enemies thus loudly and openly proclaimed war without mercy until our utter destruction, we were conducting a war in self-defense for our national existence and for the sake of peace of an assured permanency. We have been obliged to adopt a submarine warfare to meet the declared intentions of our enemies and the method of warfare adopted by them in contravention of international law.

With all its efforts in principle to protect neutral life and property from damage as much as possible, the German Government recognizes unreservedly in its memorandum of February 4 that the interests of neutrals might suffer from the submarine warfare. However, the American Government will also understand and appreciate that in the light for existence, which has been forced upon Germany by its adversaries and announced by them, it is the sacred duty of the Imperial Government to do all within its power to protect and save the lives of German subjects. If the Imperial Government were derelict in these its duties, it would be guilty before God and history of the violation of those principles of highest humanity which are the foundation of every national existence.

The case of the *Lusitania* shows with horrible clearness to what jeopardizing of human lives the manner of conducting war employed by our adversaries leads. In the most direct contradiction of international law all distinctions between merchantmen and war vessels have been obliterated by the order to British merchantmen to arm themselves and to ram submarines, and the promise of rewards therefor, and neutrals who use merchantmen as travelers thereby have been exposed in an increasing degree to all the dangers of war.

If the commander of the German submarine which destroyed the *Lusitania* had caused the crew and passengers to take to the boats before firing a torpedo, this would have meant the sure destruction of his own vessel. After the experiences in sinking much smaller and less seaworthy vessels it was to be expected that a mighty ship like the *Lusitania* would remain above water long enough, even after the torpedoing, to permit passengers to enter the ship's boats. Circumstances of a very peculiar kind, especially the presence on board of large quantities of highly explosive materials defeated this expectation.

In addition, it may be pointed out that if the *Lusitania* had been spared, thousands of cases of munitions would have been sent to Germany's enemies and thereby thousands of German mothers and children robbed of breadwinners.

In the spirit of friendship wherewith the German nation has been imbued toward the Union (United States) and its inhabitants since the earliest days of its existence the Imperial Government will always be ready to do all it can during the present war also to prevent the jeopardizing of lives of American citizens.

The Imperial Government, therefore, repeats the assurances that American ships will not be hindered in the prosecution of legitimate shipping and the lives of American citizens in neutral vessels shall not be placed in jeopardy.

In order to exclude any unforeseen dangers to American passenger steamers, made possible in view of the conduct of maritime war by Germany's adversaries, German submarines will be instructed to permit the free and safe passage of such passenger steamers when made recognizable by special markings and notified a reasonable time in advance. The Imperial Government, however, confidently hopes that the American Government will assume to guarantee that these vessels have no contraband on board, details of arrangements for the unhampered passage of these vessels to be agreed upon by the naval authorities of both sides.

In order to furnish adequate facilities for travel across the Atlantic for American citizens, the German Government submits for consideration a proposal to increase the number of available steamers by installing in passenger service a reasonable number of neutral steamers under the American flag, the exact number to be agreed upon under the same condition as the above-mentioned American steamers.

The Imperial Government believes it can assume that in this manner adequate facilities for travel across the Atlantic Ocean can be afforded American citizens. There would, therefore, appear to be no compelling necessity for American citizens to travel to Europe in time of war on ships carrying an enemy flag. In particular the Imperial Government is unable to admit that American citizens can protect an enemy ship through the mere fact of their presence on board.

Germany merely followed England's example when she declared part of the high seas an area of war. Consequently, accidents suffered by neutrals on enemy ships in this area of war can not well be judged differently from accidents to which neutrals are at all times exposed at the seat of war on land, when they betake themselves into dangerous localities in spite of previous warnings. If, however, it should not be possible for the American Government to acquire an adequate number of neutral passenger steamers, the Imperial Government is prepared to interpose no objections to the placing under the American flag by the American Government of four enemy passenger steamers for passenger traffic between North America and England. Assurances of "free and safe" passage for American passenger steamers would then extend to apply under the identical preconditions to these formerly hostile passenger steamers.

The President of the United States has declared his readiness, in a way deserving of thanks, to communicate and suggest proposals to the Government of Great Britain with particular reference to the alteration of maritime war. The Imperial Government will always be glad to make use of the good offices of the President, and hopes that his efforts in the present case, as well as in the direction of the lofty ideal of the freedom of the seas, will lead to an understanding.

The undersigned requests the ambassador to bring the above to the knowledge of the American Government, and avails himself of the opportunity to renew to his excellency the assurance of his most distinguished consideration.

VON JAGOW.

(The New York Times, July 10, 1915.)

No. 57. Summary of American "caveat," July 14, 1915, against British prize-court procedure. (See No. 63.)

(The Secretary of State to the American ambassador at London.)

In view of differences which are understood to exist between the two Governments as to the principles of law applicable in prize-court proceedings in cases involving American interests, and in order to avoid any misunderstanding as to the attitude of the United States in regard to such proceedings, you are instructed to inform the British Government that, in so far as the interests of American citizens are concerned, the Government of the United States will insist upon their rights under the principles and rules of international law, as hitherto established, governing neutral trade in time of war, without limitation or impairment by orders in council or other municipal legislation by the British Government, and will not recognize the validity of prize-court proceedings taken under restraints imposed by British municipal law in derogation of the rights of American citizens under international law. (The New York Times, Aug. 4, 1915.)

No. 58. Paraphrase of American note, July 15, 1915, protesting against the seizure of the cargo of the *Neches*.

(The Secretary of State to the American ambassador at London.)

Ambassador Page is informed that it has been brought to the attention of the department that the steamship *Neches*, of American register, sailing from Rotterdam for the United States, carrying a general cargo, after being detained at the Downs, was brought to London, where it was required by the British authorities to discharge cargo, the property of American citizens.

It appears that the ground advanced to sustain this action is that the goods originated, in part at least, in Belgium, and fall, therefore, within the provisions of paragraph 4 of the order in council of March 11, which stipulates that every merchant vessel sailing from a port other than a German port, carrying goods of enemy origin, may be required to discharge such goods in a British or allied port.

Ambassador Page is instructed in this case to reiterate the position of the Government of the United States as set forth in the department's instruction of March 30, 1915, with respect to the order in council mentioned, the international invalidity of which the Government of the United States regards as plainly illustrated by the present instance of the seizure of American-owned goods passing from the neutral port of Rotterdam to a neutral port of the United States, merely because the goods came originally from territory in the possession of an enemy of Great Britain.

Mr. Page is also instructed to inform the foreign office that the legality of this seizure can not be admitted and that, in the view of the Government of the United States, it violates the right of the citizens of one neutral to trade with those of another, as well as with those of belligerents, except in contraband or in violation of a legal blockade of an enemy seaport; and that the right of American owners of goods to bring them out of Holland, in due course, in neutral ships must be insisted upon by the United States, even though such goods may have come originally from the territories of enemies of Great Britain. He is directed further to insist upon the desire of this Government that goods taken from the *Neches*, which are the property of American citizens, should be expeditiously released to be forwarded to their destination, and to request that he be advised of the British Government's intended course in this matter at the earliest moment convenient to that Government. (The New York Times, Aug. 4, 1915.)

No. 59. German memorandum, July 15, 1915, in regard to the *Nebraskan*.

(The minister for foreign affairs to the American ambassador.)

The German Government received from newspaper reports the intelligence that the American steamer *Nebraskan* had been damaged by a mine or torpedo on the southwest coast of Ireland. It therefore started a thorough investigation of the case without delay, and from the result of the investigation it has become convinced that the damage to the *Nebraskan* was caused by an attack by a submarine.

On the evening of May 25 last the submarine met a steamer bound westward without a flag and no neutral markings on her freeboard, about 65 nautical miles west of Fastnet Rock. No appliance of any kind for the illumination of the flag or markings was to be seen. In the twilight, which had already set in, the name of the steamer was not visible from the submarine. Since the commander of the submarine was obliged to assume from his wide experience in the area of maritime war that only English steamers, and no neutral steamers, traversed the war area without flag and markings, he attacked the vessel with a torpedo, in the conviction that he had an enemy vessel before him. Some time after the shot the commander saw that the vessel had in the meantime hoisted the American flag. As a consequence he, of course, refrained from any further attack. Since the vessel remained afloat, he had no occasion to concern himself further with the boats which had been launched.

It results from this that, without a doubt, that attack on the steamer *Nebraskan* was not meant for the American flag, nor is it traceable to any fault on the part of the commander of the German submarine, but is to be considered an unfortunate accident. The German Government expresses its regret at the occurrence to the Government of the United States of America and declares its readiness to make compensation for the damage thereby sustained by American citizens. (The New York Times, July 16, 1915.)

No. 60. Third American note, July 21, 1915, regarding the loss of American lives and the injury to American commerce incidental to the naval warfare. (See Nos. 46, 50, 51, 53, 54.)

(The Secretary of State to the American ambassador at Berlin.)

You are instructed to deliver textually the following note to the minister for foreign affairs:

The note of the Imperial German Government, dated the 8th of July, 1915, has received the careful consideration of the Government of the United States, and it regrets to be obliged to say that it has found it very unsatisfactory, because it fails to meet the real differences between the two Governments, and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles which virtually set them aside.

The Government of the United States notes with satisfaction that the Imperial German Government recognizes without reservation the validity of the principles insisted on in the several communications which this Government has addressed to the Imperial German Government with regard to its announcement of a war zone and the use of submarines against merchantmen on the high sea—the principle that the high seas are free; that the character and cargo of a merchantman must first be ascertained before she can lawfully be seized or destroyed; and that the lives of noncombatants may in no case be put in jeopardy unless the vessel resists or seeks to escape after being summoned to submit to examination, for a belligerent act of retaliation is per se an act beyond the law, and the defense of an act as retaliatory is an admission that it is illegal.

The Government of the United States is, however, keenly disappointed to find that the Imperial German Government regards itself as in large degree exempt from the obligation to observe these principles, even where neutral vessels are concerned, by what it believes the policy and practice of the Government of Great Britain to be in the present war with regard to neutral commerce. The Imperial German Government will readily understand that the Government of the United States can not discuss the policy of the Government of Great Britain with regard to neutral trade except with that Government itself, and that it must regard the conduct of other belligerent Governments as irrelevant to any discussion with the Imperial German Government of what this Government regards as grave and unjustifiable violations of the rights of American citizens by German naval commanders.

Illegal and inhuman acts, however justifiable they may be thought to be, against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right to life itself. If a belligerent can not retaliate against an enemy without injuring the lives of neutrals, as well as their property, humanity, as well as justice and a due regard for the dignity of neutral powers, should dictate that the practice be discontinued. If persisted in it would in such circumstances constitute an unpardonable offense against the sovereignty of the neutral nation affected.

The Government of the United States is not unmindful of the extraordinary conditions created by this war or of the radical alterations of circumstance and method of attack produced by the use of instrumentalities of naval warfare which the nations of the world can not have had in view when the existing rules of international law were formulated, and it is ready to make every reasonable allowance for these novel and unexpected aspects of war at sea; but it can not consent to abate any essential or fundamental right of its people because of a mere alteration of circumstances. The rights of neutrals in time of war are based upon principle, not upon expediency, and the principles are immutable. It is the duty and obligation of belligerents to find a way to adapt the new circumstances to them.

The events of the past two months have clearly indicated that it is possible and practicable to conduct such submarine operations as have characterized the activity of the Imperial German Navy within the so-called war zone in substantial accord with the accepted practices of regulated warfare. The whole world has looked with interest and increasing satisfaction at the demonstration of that possibility by German naval commanders. It is manifestly possible, therefore, to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offense.

In view of the admission of illegality made by the Imperial Government when it pleaded the right of retaliation in defense of its acts, and in view of the manifest possibility of conforming to the established rules of naval warfare, the Government of the United States can not believe that the Imperial Government will longer refrain from disavowing the wanton act of its naval commander in sinking the *Lusitania* or from offering reparation for the American lives lost, so

far as reparation can be made for a needless destruction of human life by an illegal act.

The Government of the United States, while not indifferent to the friendly spirit in which it is made, can not accept the suggestion of the Imperial German Government that certain vessels be designated and agreed upon which shall be free on the seas now illegally proscribed. The very agreement would, by implication, subject other vessels to illegal attack, and would be a curtailment and therefore an abandonment of the principles for which the Government contends, and which in times of calmer counsels every nation would concede as of course.

The Government of the United States and the Imperial German Government are contending for the same great object; have long stood together in urging the very principles upon which the Government of the United States now so solemnly insists. They are both contending for the freedom of the seas. The Government of the United States will continue to contend for that freedom, from whatever quarter violated, without compromise and at any cost. It invites the practical cooperation of the Imperial German Government at this time, when cooperation may accomplish most and this great common object be most strikingly and effectively achieved.

The Imperial German Government expresses the hope that this object may be in some measure accomplished even before the present war ends. It can be. The Government of the United States not only feels obliged to insist upon it, by whomsoever violated or ignored, in the protection of its own citizens, but is also deeply interested in seeing it made practicable between the belligerents themselves, and holds itself ready at any time to act as the common friend who may be privileged to suggest a way.

In the meantime, the very value which this Government sets upon the long and unbroken friendship between the people and Government of the United States and the people and Government of the German Nation impels it to press very solemnly upon the Imperial German Government the necessity for a scrupulous observance of neutral rights in this critical matter. Friendship itself prompts it to say to the Imperial Government that repetition by the commanders of German naval vessels of acts in contravention of those rights must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly.

LANSING.

(The New York Times, July 24, 1915.)

No. 61. British note, July 23, 1915, replying to the American note of March 30, in regard to British violation of neutral rights (No. 36). (See Nos. 54 and 56.)

(The secretary of state for foreign affairs to the American ambassador.)

1. On the 2d of April your excellency handed to me a copy of a communication containing the criticisms of the United States Government on the measures we have been constrained to take on account of the menace to peaceful commerce resulting from the German submarine policy. This communication has received the most careful consideration of His Majesty's Government.

2. I fully appreciate the friendly spirit and the candor which are shown in the communication, and, replying in the same spirit, I trust that I may be able to convince your excellency, and also the administration at Washington, that the measures we have announced are not only reasonable and necessary in themselves, but constitute no more than an adaptation of the old principles of blockade to the peculiar circumstances with which we are confronted.

3. I need scarcely dwell on the obligation incumbent upon the allies to take every step in their power to overcome their common enemy, in view of the shocking violation of the recognized rules and principles of civilized warfare of which he has been guilty during the present struggle. Your excellency's attention has already been drawn to some of these proceedings in the memorandum which I handed to you on the 19th February. Since that time Lord Bryce's report, based on evidence carefully sifted by legal experts, describing the atrocities committed in Belgium; the poisoning of wells in German Southwest Africa; the use of poisonous gases against the troops in Flanders; and, finally, the sinking of the *Lusitania* without any opportunity to passengers and noncombatants to save their lives, have shown how indispensable it is that we should leave unused no justifiable method of defending ourselves.

4. Your excellency will remember that in my notes of the 13th and 15th March I explained that the allied Governments intended to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves intercepting goods going to or from Germany. I read the communication from your excellency's Government, not as questioning the necessity for our taking all the steps open to us to cripple the enemy's trade, but as directed solely to the question of the legitimacy of the particular measures adopted.

5. In the various notes which I have received from your excellency the right of a belligerent to establish a blockade of the enemy ports is admitted, a right which has obviously no value save in so far as it gives power to a belligerent to cut off the sea-borne exports and imports of his enemy. The contention which I understand the United States Government now puts forward is that if a belligerent is so circumstanced that his commerce can pass through adjacent neutral ports as easily as through ports in his own territory, his opponent has no right to interfere, and must restrict his measures of blockade in such a manner as to leave such avenues of commerce still open to his adversary.

This is a contention which His Majesty's Government feel unable to accept and which seems to them unsustainable, either in point of law or upon principles of international equity. They are unable to admit that a belligerent violates any fundamental principle of international law by applying a blockade in such a way as to cut off the enemy's commerce with foreign countries through neutral ports if the circumstances render such an application of the principles of blockade the only means of making it effective. The Government of the United States, indeed, intimates its readiness to take into account "the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated," and recognizes that "the form of close blockade, with its cordon of ships in the immediate offing of the blockaded ports, is no longer practicable in the face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and aircraft."

6. The only question, then, which can arise in regard to the measures resorted to for the purpose of carrying out a blockade upon these extended lines is whether, to use your excellency's words, they "conform to the spirit and principles of the essence of the rules of war"; and we shall be content to apply this test to the action which we have

taken, in so far as it has necessitated interference with neutral commerce.

7. It may be noted in this connection that at the time of the Civil War the United States found themselves under the necessity of declaring a blockade of some 3,000 miles of coast line, a military operation for which the number of vessels available was at first very small. It was vital to the cause of the United States in that great struggle that they should be able to cut off the trade of the Southern States. The Confederate armies were dependent on supplies from overseas, and those supplies could not be obtained without exporting the cotton wherewith to pay for them.

To cut off this trade the United States could only rely upon a blockade. The difficulties confronting the Federal Government were in part due to the fact that neighboring neutral territory afforded convenient centers from which contraband could be introduced into the territory of their enemies and from which blockade running could be facilitated. Your excellency will no doubt remember how, in order to meet this new difficulty, the old principles relating to contraband and blockade were developed, and the doctrine of continuous voyage was applied and enforced, under which goods destined for the enemy territory were intercepted before they reached the neutral ports from which they were to be reexported.

8. The difficulties which imposed upon the United States the necessity of reshaping some of the old rules are somewhat akin to those with which the allies are now faced in dealing with the trade of their enemy. Adjacent to Germany are various neutral countries which afford her convenient opportunities for carrying on her trade with foreign countries. Her own territories are covered with a network of railways and waterways, which enable her commerce to pass as conveniently through ports in such neutral countries as through her own. A blockade limited to enemy ports would leave open routes by which every kind of German commerce could pass almost as easily as through the ports in her own territory. Rotterdam is, indeed, the nearest outlet for some of the industrial districts of Germany.

9. As a counterpoise to the freedom with which one belligerent may send his commerce across a neutral country without compromising its neutrality, the other belligerent may fairly claim to intercept such commerce before it has reached, or after it has left, the neutral State, provided, of course, that he can establish that the commerce with which he interferes is the commerce of his enemy and not commerce which is bona fide destined for or proceeding from the neutral State. It seems, accordingly, that if it be recognized that a blockade is in certain cases the appropriate method of intercepting the trade of an enemy country, and if the blockade can only become effective by extending it to enemy commerce passing through neutral ports, such an extension is defensible and in accordance with principles which have met with general acceptance.

10. To the contention that such action is not directly supported by written authority, it may be replied that it is the business of writers on international law to formulate existing rules rather than to offer suggestions for their adaptation to altered circumstances, and your excellency will remember the unmeasured terms in which a group of prominent international lawyers of all nations condemned the doctrine which had been laid down by the Supreme Court of the United States in the case of the *Springbok*, a doctrine upheld by the Claims Commission at Washington in 1873. But the United States and the British Government took a broader view and looked below the surface at the underlying purpose, and the Government of this country, whose nationals were the sufferers by the extension and development of the old methods of blockade made by the United States during the Civil War, abstained from all protest against the decisions by which the ships and their cargoes were condemned.

11. What is really important in the general interest is that adaptations of the old rules should not be made unless they are consistent with the general principles upon which an admitted belligerent right is based. It is also essential that all unnecessary injury to neutrals should be avoided. With these conditions, it may be safely affirmed that the steps we are taking to intercept commodities on their way to and from Germany fully comply. We are interfering with no goods with which we should not be entitled to interfere by blockade if the geographical position and the conditions of Germany at present were such that her commerce passed through her own ports. We are taking the utmost possible care not to interfere with commerce genuinely destined for or proceeding from neutral countries. Furthermore, we have tempered the severity with which our measures might press upon neutrals by not applying the rule, which was invariable in the old form of blockade, that ships and goods on their way to or from the blockaded area are liable to condemnation.

12. The communication made by the United States embassy on April 2 describes as a novel and quite unprecedented feature of the blockade that it embraces many neutral ports and coasts and has the effect of barring access to them. It does not appear that our measures can be properly so described. If we are successful in the efforts we are making to distinguish between the commerce of neutral and enemy countries, there will be no substantial interference with the trade of neutral ports, except in so far as they constitute ports of access to and exit from the enemy territory. There are at this moment many neutral ports which it would be mere affectation to regard as offering facilities only for the commerce of the neutral country in which they are situated, and the only commerce with which we propose to interfere is that of the enemy who seeks to make use of such ports for the purposes of transit to or from his own country.

13. One of the earlier passages in your excellency's memorandum was to the effect that the sovereignty of neutral nations in time of war suffers no diminution, except in so far as the practice and consent of civilized nations have limited it "by the recognition of certain now clearly determined rights" which it is considered may be exercised by nations at war, and these it defines as the right of capture and condemnation for unnatural service, for the carriage of contraband, and for breach of blockade. I may, however, be permitted to point out that the practice of nations on each of the three subjects mentioned has not at any time been uniform or clearly determined, nor has the practice of any maritime nation always been consistent.

14. There are various particulars in which the exact method of carrying a blockade into effect has from time to time varied. The need of a public notification, the requisite standard of effectiveness, the locality of the blockading squadrons, the right of the individual ship to a preliminary warning that the blockade is in force, and the penalty to be inflicted on a captured blockade runner, are all subjects on which different views have prevailed in different countries and in which the practice of particular countries has been altered from time to time. The one principle which is fundamental and has obtained universal

recognition is that by means of blockade a belligerent is entitled to cut off, by effective means, the sea-borne commerce of his enemy.

15. It is the same with contraband. The underlying principle is well established, but as to the details there has been a wide variety of views. As for unnatural service—the very term is of such recent introduction that many writers of repute on international law do not mention it—it is possible, in the view of His Majesty's Government in these circumstances, to maintain that the right of a belligerent to intercept the commerce of his enemy is limited in the way suggested in your excellency's communication.

16. There are certain subsidiary matters dealt with in your excellency's communication to which I think it well to refer. Among these may be mentioned your citation of the declaration of Paris, due, no doubt, to the words which occur in the memorandum sent by me to your excellency on the 1st of March, wherein it was stated that the allied Governments would hold themselves free to detain and take into port ship carrying goods of presumed enemy destination, ownership, or origin, and to our announcement that vessels might be required to discharge goods of enemy ownership as well as those of enemy origin or destination.

17. It is not necessary to discuss the extent to which the second rule of the declaration of Paris is affected by these measures or whether it could be held to apply at all as between Great Britain and the United States. In actual practice, however, we are not detaining goods on the sole ground that they are the property of an enemy. The purpose of the measures we are taking is to intercept commerce on its way from and to the enemy country. There are many cases in which proof that the goods were enemy property would afford strong evidence that they were of enemy origin or enemy destination, and it is only in such cases that we are detaining them. Where proof of enemy ownership would afford no evidence of such origin or destination we are not in practice detaining the goods.

18. His Majesty's Government have been gratified to observe that the measures which they are enforcing have had no detrimental effect on the commerce of the United States. Figures of recent months show that the increased opportunities afforded by the war for American commerce have more than compensated for the loss of the German and Austrian markets.

19. I trust that in the light of the above explanations it will be realized that the measures to which we have resorted have been not only justified by the exigencies of the case, but can be defended as in accordance with general principles which have commended themselves to the Governments of both countries. I am glad to be able to assure your excellency that we shall continue to apply these measures with every desire to occasion the least possible amount of inconvenience to persons engaged in legitimate commerce.

I have, etc.,

E. GREY.

(The New York Times, Aug. 4, 1915.)

No. 62. Third German note, July 30, 1915, in regard to the *William P. Frye*. (See Nos. 37, 39, 43, 52, 55.)

(The minister for foreign affairs to the American ambassador.)

The undersigned has the honor to inform his excellency, Mr. James W. Gerard, ambassador of the United States of America, in reply to the note of the 26th ultimo, foreign office No. 3990, on the subject of the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prince Eitel Friedrich*, that the points of view brought out in the note have been carefully examined by the Imperial German Government. This examination has led to the following conclusions:

The Government of the United States believes that it is incumbent upon it to take the position that the treaty rights to which America is entitled, as contained in article 12 of the Prussian-American treaty of amity and commerce of September 10, 1785, and in article 13 of the Prussian-American treaty of amity and commerce of July 11, 1799, were violated by the sinking of the *William P. Frye*. It interprets these articles as meaning that a merchantman of the neutral contracting party carrying contraband can not in any circumstances be destroyed by a warship of the belligerent contracting party, and that the sinking of the *William P. Frye* was, therefore, in violation of the treaty, even if her cargo should have consisted of contraband, which it leaves outside of the discussion.

The German Government can not accept this view. It insists as heretofore that the commander of the German auxiliary cruiser acted in the legal exercise of the right of control of trade in contraband enjoyed by warships of belligerent nations, and that the treaty stipulations mentioned merely oblige the German Government to make compensation for the damage sustained by the American citizens concerned.

It is not disputed by the American Government that according to general principles of international law a belligerent is authorized in sinking neutral vessels under almost any conditions for carrying contraband. As is well known, these principles were laid down in articles 49 and 50 of the declaration of London and were recognized at that time by the duly empowered delegates of all the nations which participated in the conference, including the American delegates, to the declarative of existing international law (see preliminary clause of the declaration of London); moreover, at the beginning of the present war the American Government proposed to the belligerent nations to ratify the declaration of London and give its provisions formal validity also.

The German Government has already explained in its note of April 4 last for what reason it considers that the conditions justifying the sinking under international law were present in the case of the *William P. Frye*. The cargo consisted of conditional contraband, the destination of which for the hostile armed forces was to be presumed under the circumstances; no proof to overcome this presumption has been furnished. More than half the cargo of the vessel was contraband, so that the vessel was liable to confiscation. The attempt to bring the American vessel into a German port would have greatly imperiled the German vessel in the given situation of the war, and at any rate practically defeated the success of her further operations. Thus the authority for sinking the vessel was given according to general principles of international law.

There only remains, then, to be examined the question how far the Prussian-American treaty stipulations modify these principles of international law.

In this connection, article 12 of the treaty of 1785 provides that in the event of a war between one of the contracting parties with another power the free commerce and intercourse of the nationals of the party remaining neutral with the belligerent powers shall not be interrupted, but that on the contrary the vessel of the neutral party may navigate freely to and from the ports of the belligerent power even neutralizing enemy goods on board thereof. However, this article merely formulates general rules for the freedom of maritime intercourse and leaves the question of contraband untouched; the specific stipulations on this

point are contained in the following article, which is materially identical with article 13 of the treaty of 1799 now in force.

The plain intention of article 13 is to establish a reasonable compromise between the military interests of the belligerent contracting party and the commercial interests of the neutral party. On the one hand the belligerent party is to have the right to prevent the transportation of war supplies to his adversaries even when carried on vessels of the neutral party; on the other hand, the commerce and navigation of the neutral party is to be interfered with as little as possible by the measure necessary for such prevention, and reasonable compensation is to be paid for any inconvenience or damage which may nevertheless ensue from the proceedings of the belligerent party.

Article 13 recites the following means whereby the belligerent party can prevent the vessels of the neutral party from carrying war supplies to his adversary. The detention of the ship and cargo for such length of time as the belligerent may think necessary; furthermore, the taking over of the war stores for his own use, paying the full value of the same as ascertained at the place of destination. The right of sinking is not mentioned in the treaty, and is, therefore, neither expressly permitted nor expressly prohibited, so that on this point the party stipulations must be supplemented by the general rules of international law. From the meaning and spirit of the treaty it really appears out of the question that it was intended to expect of the belligerent that he should permit a vessel loaded with contraband—for example, a shipment of arms and ammunition of decisive importance for the outcome of the war—to proceed unhindered to his enemy when circumstances forbid the carrying of the [omissions] into port, if the general rules of international law allow sinking of the vessel.

The remaining stipulations of article 13 must likewise be considered in this light; they provide that the captain of a vessel stopped shall be allowed to proceed on his voyage if he delivers out the contraband to the warship which stopped his vessel. For such delivering out can not, of course, be considered when the ensuing loss of time imperils either the warship herself or the success of her other operations. In the case of the *William P. Frye* the German commander at first tried to have matters settled by the delivery of contraband, but convinced himself of the impracticability of this attempt in that it would expose his ship to attack by whatever superior force of enemy war vessels pursuing him, and was accordingly obliged to determine upon the sinking of the *Frye*. Thus he did not exceed on this point the limits to which he was bound by article 13.

However, article 13 asserts itself here to the extent that it founds the obligation to compensate the American citizens affected, whereas according to the general rules of international law the belligerent party does not need to grant compensation for a vessel lawfully sunk. For if by article 13 the mere exercise of right of highways makes the belligerent liable for compensation, this must apply a fortiori to the exercise of the right of sinking.

The question whether the German commander acted legally was primarily a subject for the consideration of the German prize courts, according to general principles of international law as laid down, also in article 1 of The Hague Convention for the establishment of an international prize court and in article 51 of the Declaration of London. The German Government consequently laid the case of the *William P. Frye* before the competent prize court at Hamburg, as was stated in its note of the 7th ultimo. This court found by its judgment of the 10th instant that the cargo of the American vessel *William P. Frye* was contraband; that the vessel could not be carried into port, and that the sinking was therefore justified; at the same time the court expressly recognized the validity of the Prussian-American treaty stipulations severally [omissions] model for the relations between the German Empire and America, so that the sinking of the ship and cargo, so far as American property, makes the German Empire liable for indemnity. The prize court was unable to fix the indemnity itself, since it had no data before it, failing the receipt of the necessary details from the parties interested.

It will now be necessary to settle these points in a different way. The German Government suggests as the simplest way that each of the two Governments designate an expert and that the two experts jointly fix the amount of indemnity for the vessel and any American property which may have been sunk with her. The German Government will promptly pay the amount of indemnity thus ascertained; it expressly declares, however, reverting to what has been stated above, that this payment does not constitute satisfaction for the violation of American treaty rights, but a duty or policy of this Government founded on the existing treaty stipulations.

Should the American Government not agree to this manner of settling the matter, the German Government is prepared to submit the difference of opinion as being a question of the interpretation of the existing treaties between Germany and the United States to the tribunal at The Hague, pursuant to article 38 of The Hague Convention for the peaceful settlement of international disputes.

The undersigned begs to suggest that the ambassador bring the above to the attention of his Government, and avails himself, etc.

VON JAGOW.

(The New York Times, Aug. 5, 1915.)

No. 63, British note, July 31, 1915, replying to No. 57. (See No. 57.) (The secretary of state for foreign affairs to the American ambassador.)

YOUR EXCELLENCY: (1) I have the honor to acknowledge the receipt of the note dated 16th inst., in which you were good enough to communicate to me for the information of His Majesty's Government the opinion held by the Government of the United States, that, in view of differences which they understand to exist between the two countries as to the principles of law applicable in cases before the prize court, they could not recognize the validity of proceedings taken in His Majesty's prize court in derogation of the rights of citizens of the United States.

(2) I do not understand to what divergence of views as to the principles of law applicable in cases before the prize court the Government of the United States refers, for I am not aware of any differences existing between the two countries as to the principles of law applicable in cases before such courts.

(3) British prize courts, according to the ancient form of commission under which they sit, are to determine cases which come before them according to the course of admiralty and the law of nations and the statutes of rules and regulations for the time being in force in that behalf.

As to the principles applied by the American prize courts, I note that in the case of the *Amy Warwick* (2 Sprague, 123) it was held that prize courts are subject to the instructions of their own sovereign. In the absence of such instructions, their jurisdiction and rules of decision are to be ascertained by reference to the known powers of

such tribunals and the principles by which they are governed under the public law and the practice of nations. It would appear, therefore, that the principles applied by the prize courts of the two countries are identical.

(4) As illustrating further the attitude adopted by the judges of British prize courts toward these two sources of law, the municipal legislation of its sovereign on the one hand and the principles of international law on the other, I should like to refer your excellency to a classical passage in the judgment of Lord Stowell, in the case of the *Foe*, in which that famous judge observed in the course of the discussion:

"A question has been stated: What would be the duty of the court under orders in council that were repugnant to the law of nations? It has been contended on one side that the court would, at all events, be bound to enforce the orders in council, on the other that the court would be bound to apply the rule of the law of nations adapted to the particular case, in disregard of the orders in council."

"This court is bound to administer the law of nations to the subjects of other countries in the different relations in which they may be placed toward this country and its Government. That is what others have a right to demand for their subjects, and to complain if they receive it not. This is its unwritten law, evidenced in the course of its decisions and collected from the common usage of civilized States. At the same time it is strictly true that by the constitution of this country the King in council possesses legislative rights over this court and has power to issue orders and instructions which it is bound to obey and enforce; and these constitute the written law of this court."

"These two propositions, that the court is bound to administer the law of nations and that it is bound to enforce the King's orders in council, are not at all inconsistent with each other, because these orders and instructions are presumed to conform themselves, under the given circumstances, to the principles of its unwritten law. They are either directory applications of those principles to the cases indicated in them—cases which, with all the facts and circumstances belonging to them and which constitute their legal character, could be but imperfectly known to the court itself; or they are positive regulations, consistent with these principles, applying to matters which require more exact and definite rules than those general principles are capable of furnishing."

"The constitution of this court, relatively to the legislative power of the King in council, is analogous to that of the courts of common law relatively to that of the Parliament of this Kingdom. These courts have their unwritten law, the approved reasons, principles of natural reason and justice; they have likewise the written or statute law in acts of Parliament, which are directory applications of the same principles to particular subjects or positive regulations consistent with them upon matters which would remain too much at large if they were left to the imperfect information which the courts could extract from mere general speculations."

"What would be the duty of the individuals who preside in these courts if required to enforce an act of Parliament which contradicted those principles is a question which, I presume, they would not entertain a priori because they will not entertain a priori the supposition that any such will arise. In like manner this court will not let itself loose into speculations as to what would be its duty under such an emergency; because it can not, without extreme indecency, presume that any such emergency will happen. And it is the less disposed to entertain them because its own observation and experience attest the general conformity of such orders and instructions to its principles of unwritten law."

(5) The above passage has recently been quoted and adopted by the President of the prize court in the case of the *Zamora*, in which Sir S. Evans said: "I make bold to express the hope and belief that the nations of the world need not be apprehensive that orders in council will emanate from the Government of this country in such violation of the acknowledged laws of nations that it is conceivable that our prize tribunals, holding the law of nations in reverence, would be called upon to disregard and refuse obedience to the provisions of such orders."

(6) In the note which I handed to your excellency on the 23d of July, I endeavored to convince the Government of the United States, and I trust with success, that the measures that we have felt ourselves compelled to adopt, in consequence of the numerous acts committed by our enemies in violation of the laws of war and the dictates of humanity, are consistent with the principles of international law. The legality of these measures has not yet formed the subject of a decision of the prize court; but I wish to take this opportunity of reminding your excellency that it is open to any United States citizen whose claim is before the prize court to contend that any order in council which may affect his claim is inconsistent with the principles of international law, and is, therefore, not binding upon the court. If the prize court declines to accept his contentions, and if, after such a decision has been upheld on appeal by the judicial committee of His Majesty's privy council, the Government of the United States of America consider that there is serious ground for holding that the decision is incorrect and infringes the rights of their citizens, it is open to them to claim that it should be subjected to review by an international tribunal.

(7) This principle, that the decisions of the national prize courts may properly be subjected to international review, was conceded by Great Britain in article 7 of the Jay treaty of 1793 and by the United States of America under the treaty of Washington of 1871. Your excellency will no doubt remember that certain cases (collectively known as the "Matamoros cases") were submitted to the commission established under articles 12-17 of the treaty of Washington. In each of these cases proceedings in prize had been instituted in the prize courts of the United States, and in each case the judgment of the Supreme Court, the court of last resort in cases of prizes, had been obtained. The United States filed a demurrer in these cases, alleging that, as they had been heard by the prize courts of the United States of original and appellate jurisdiction, the decision of the appellate court was final, and no claim based upon it could be made before the commission. The demurrer was unanimously overruled and the cases heard, and the agent of the United States, in his reports of the proceedings of the commission, stated that he, personally, maintained no doubt of the jurisdiction of the commission as an international tribunal to review the decisions of the prize courts of the United States where the parties alleging themselves aggrieved had prosecuted their claims by appeals to the court of last resort; as this jurisdiction, however, had been sometimes questioned, he deemed it desirable that a formal adjudication by the commission should be held upon this question.

(8) The same principle was accepted both by the United States Government and His Majesty's Government in 1907 in connection with the proposed establishment of an international prize court, although certain constitutional difficulties have led the United States Government to

propose that the right of recourse to the international prize court in connection with a decision of the Supreme Court of the United States should take the form of a direct claim for compensation.

(9) It is clear, therefore, that both the United States Government and His Majesty's Government have adopted the principle that the decisions of a national prize court may be open to review if it is held in the prize court and in the judicial committee of the privy council, on appeal, that the orders and instructions issued by His Majesty's Government in matters relating to prize are in harmony with the principles of international law; and, should the Government of the United States unfortunately feel compelled to maintain a contrary view, His Majesty's Government will be prepared to concert with the United States Government in order to decide upon the best way of applying the above principle to the situation which would then have arisen. I trust, however, that the defense of our action, which I have already communicated to your excellency, and the willingness of His Majesty's Government (which has been shown in so many instances) to make reasonable concessions to American interests, will prevent the necessity for such action arising.

(10) In any case I trust that the explanations given above will remove the misapprehension under which I can not but feel the Government of the United States are laboring as to the principles applied by British prize courts in dealing with the cases which come before them. I have, etc.,

E. GREY.

(The New York Times, Aug. 4, 1915.)

No. 64. British note, July 31, 1915, replying to No. 58.

(The secretary of state for foreign affairs to the American ambassador.)

The note which your excellency addressed to me on the 17th instant respecting the detention of the cargo of the steamship *Neches* has, I need hardly say, received the careful attention of His Majesty's Government.

The note which I had the honor to send to your excellency on the 23d instant has already explained the view of His Majesty's Government on the legal aspect of the question, though it was prepared before your excellency's communication of the 17th had been received, and, pending consideration by the Government of the United States of the views and arguments set forth in the British note of the 23d, it is unnecessary for me to say more on the question of right or of law.

There is, however, one general observation that seems relevant to the note from your excellency's respecting the cargo of the *Neches*.

It is the practice of the German Government, in the waters through which the *Neches* was passing, to sink neutral as well as British merchant vessels, irrespective of the destination of the vessel or origin of the cargo, and without proper regard or provision for the safety of passengers or crews, many of whom have lost their lives in consequence. There can be no question that this action is contrary to the recognized and settled rules of international law, as well as to the principles of humanity.

His Majesty's Government, on the other hand, have adhered to the rule of visit and search, and have observed the obligation to bring into port and submit to a prize court any ships or cargoes with regard to which they think they have a good case for detention or for condemnation as contraband.

His Majesty's Government are not aware, except from the published correspondence between the United States and Germany, to what extent reparation has been claimed from Germany by neutrals for loss of ships, lives, and cargoes, nor how far these acts have been the subject even of protest by the neutral Governments concerned.

While those acts of the German Government continue, it seems neither reasonable nor just that His Majesty's Government should be pressed to abandon the rights claimed in the British note of the 23d and to allow goods from Germany to pass freely through waters effectively patrolled by British ships of war.

If, however, it be alleged that, in particular cases and special circumstances, hardships may be inflicted on citizens of neutral countries, His Majesty's Government are ready in such cases to examine the facts in a spirit of consideration for the interest of neutrals, and in this spirit they are prepared to deal with the cargo of the *Neches*, to which your excellency has called attention, if it is held that the particular circumstances of this case fall within this category.

[I have, etc.,

E. GREY.]

(The New York Times, Aug. 4, 1915.)

No. 65. Fourth American note, August 16, 1915, in regard to the *William P. Frye*. (See Nos. 37, 39, 43, 52, 55, 62.)

(The Secretary of State to the American ambassador at Berlin.)

You are instructed to present the following note to the German minister for foreign affairs:

Under instructions from my Government, I have the honor to inform your excellency, in reply to your note of July 30 in regard to the claim for reparation for the sinking of the *William P. Frye*, that the Government of the United States learns with regret that the objections urged by it against the submission of this case to the prize court for decision have not commended themselves to the Imperial German Government, and it equally regrets that the reasons presented by the Imperial German Government for submitting this case to the prize court have failed to remove the objections of the Government of the United States to the adoption of that course. As this disagreement has been reached after the full presentation of the views of both Governments in our previous correspondence, a further exchange of views on the questions in dispute would doubtless be unprofitable, and the Government of the United States therefore welcomes your excellency's suggestion that some other way should be found for settling this case.

The two methods of settlement proposed as alternative suggestions in your excellency's note have been given careful consideration, and it is believed that if they can be combined so that they may both be adopted they will furnish a satisfactory basis for the solution of the questions at issue.

The Government of the United States has already expressed its desire that the question of the amount of indemnity to be paid by the Imperial German Government under its admitted liability for the losses of the owners and captain on account of the destruction of the *Frye* should be settled by diplomatic negotiation, and it entirely concurs with the suggestion of the Imperial German Government that the simplest way would be to agree, as proposed in your note, "that each of the two Governments designate an expert and that the two experts jointly fix the amount of indemnity for the vessel and any American property which may have been sunk with her," to be paid by the Imperial German Government when ascertained as stated in your note. It is

assumed that the arrangement will include some provision for calling in an umpire in case the experts fail to agree.

The Government of the United States notes that your suggestion is made with the express reservation that a payment under this arrangement would not constitute an admission that American treaty rights had been violated, but would be regarded by the Imperial German Government merely as fulfilling a duty or policy founded on existing treaty stipulations. A payment made on this understanding would be entirely acceptable to the Government of the United States, provided that the acceptance of such payment should likewise be understood to be without prejudice to the contention of the Government of the United States that the sinking of the *Frye* was without legal justification, and provided also that an arrangement can be agreed upon for the immediate submission to arbitration of the question of legal justification in so far as it involves the interpretation of existing treaty stipulations.

There can be no difference of opinion between the two Governments as to the desirability of having this question of the true intent and meaning of their treaty stipulations determined without delay, and to that end the Government of the United States proposes that the alternative suggestion of the Imperial German Government also be adopted, so that this question of treaty interpretation can be submitted forthwith to arbitration, pursuant to Article XXXVIII of The Hague convention for the pacific settlement of international disputes.

In this way both the question of indemnity and the question of treaty interpretation can promptly be settled, and it will be observed that the only change made in the plan proposed by the Imperial German Government is that instead of eliminating either one of its alternative suggestions they are both given effect, in order that both of the questions under discussion may be dealt with at the same time.

If this proposal proves acceptable to the Imperial German Government, it will be necessary also to determine whether, pending the arbitral award, the Imperial German Government shall govern its naval operations in accordance with its own interpretation or in accordance with the interpretation maintained by the United States as to the obligations imposed by their treaty stipulations, and the Government of the United States would be glad to have an expression of the views of the Imperial German Government on this point.

LANSING.

(The New York Times, Aug. 18, 1915.)

No. 66. British proclamation, August 21, 1915, declaring cotton contraband of war (see Nos. 6, 10, 31):

Now, therefore, we do hereby declare, by and with the advice of our privy council, that during the continuance of the war, or until we do give further public notice, the following articles will be treated as absolutely contraband, in addition to those set out in our royal proclamation aforementioned: Raw cotton, cotton linters, cotton waste, and cotton yarn.

And we do hereby further declare that this our royal proclamation shall take effect from the date of its publication in the London Gazette. (The New York Times, Aug. 22, 1915.)

IMPEACHMENT OF H. SNOWDEN MARSHALL.

Mr. HEFLIN and Mr. BUCHANAN of Illinois rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. BUCHANAN of Illinois. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN of Illinois. I rise to offer a resolution amending my impeachment charges against H. Snowden Marshall, and I desire to send the following resolution to the Clerk's desk, to be read.

The SPEAKER. The Clerk will report it.

Mr. HEFLIN. Mr. Speaker, may I ask my friend if he will withhold that until I address the House for one hour? I have permission of the House to address it.

Mr. BUCHANAN of Illinois. I desire to have this acted on now.

The SPEAKER. The gentleman from Illinois offers it as a privileged matter. Whether it is privileged or not remains to be seen. But all of you gentleman who have secured special orders to speak get them under the condition that privileged matters, and so forth, shall not be interfered with. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on the 14th day of December, 1915, certain charges of impeachment were presented in this House by me against the United States district attorney for the southern district of New York, H. Snowden Marshall; and Whereas said charges were not accompanied by a resolution empowering the Judiciary Committee sufficiently:

Therefore I present the following amended impeachment charges contained in the resolution which I am now offering:

Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the alleged official misconduct of H. Snowden Marshall, United States attorney for the southern district of New York; whether any person, firm, corporation, or their agents have through a conspiracy with said United States attorney obtained the privilege of violating in the southern district of New York provisions of any of the various criminal, neutrality, interstate-commerce, or customs-revenue laws of the United States; whether great financial profits have accrued to any person or corporation in consequence thereof; whether said United States attorney has corruptly and collusively participated in any such conspiracy; whether he has corruptly neglected or refused to prosecute gross and notorious violations of the various criminal, neutrality, customs-revenue, or antitrust laws of the United States within said judicial district; whether said United States attorney has induced and procured a grand jury to return into the District Court for the Southern District of New York indictments charging crimes, without there being evidence before said grand jury which would in any degree justify the finding of such indictments; whether said United States attorney has procured an indictment as aforesaid in order to falsely accuse and besmirch the character of a Representative in Congress who had preferred articles of impeachment against said United States attorney;

whether said United States attorney has been guilty of oppression in corruptly procuring indictments by a grand jury in said district charging reputable citizens with crime, although there was no evidence before the grand jury which would in the least warrant a charge of crime; whether said United States attorney has corruptly entered into a conspiracy with other persons to spread broadcast throughout the United States maliciously false newspaper publications and reports emanating as official statements and purporting to describe results of investigations conducted by said United States attorney and his assistants, with the object of destroying friendly relations between the United States and one or more foreign Governments; whether said United States attorney has unlawfully and feloniously misused processes of the grand jury of said district, the secret service, and the Bureau of Investigation and Inquiry of the Department of Justice in furtherance of any such conspiracy as aforesaid; whether there exists evidence that large sums of money have been expended by or on behalf of the agents of any foreign Government or of various purveyors and manufacturers of war munitions for the purpose of influencing actions of said United States attorney in furtherance of such a conspiracy; whether said United States attorney has corruptly neglected or refused to prosecute men who made the port of New York, within said judicial district, a military or naval base for foreign belligerent powers; whether he has corruptly neglected or refused to prosecute violations of Federal statutes prohibiting the loading and shipment of explosives on ships carrying passengers within said judicial district; whether said United States attorney has corruptly neglected or refused to prosecute violations of the foreign-enlistment act of the United States within said district; whether said United States attorney has used the powers of his office for the purpose of defaming, slandering, and libeling the names of peaceable and lawabiding people, to their great injury; whether said United States attorney has abetted, approved, or permitted unlawful and oppressive misuse of the subpoena of a grand jury in said southern district of New York, and whether citizens have been thereby deprived of their legal rights, privileges, and immunities; whether said United States attorney has aided, abetted, or approved of unlawful expenditures of public money in violation of statutes of the United States; whether said United States attorney has been guilty of attempts at private solicitation of any judge for the purpose of influencing the action and opinion of such judge; whether said United States attorney has attempted, directly or indirectly, to privately solicit and influence the action of resident judges for and within said district; whether said United States attorney has used the power of his office to cause and procure a discrimination in assignments of judges to conduct trials in said district, so as to discriminate against one or more resident judges; whether any such acts have been so committed by said United States attorney because of failure on his part to control actions and decisions of one or more of said resident judges; whether said United States attorney has used the power of his office to procure or assist in the procurement of judges to be imported into the southern district of New York from other districts for the trial of causes in said district by falsely representing the condition of judicial business within said district; whether said United States attorney has been guilty of private solicitation, with intent to influence the acts and decisions of any judge imported as aforesaid; whether said United States attorney has attempted to corruptly control decisions and actions of one or more of such imported judges; whether said United States attorney has procured the assignment of one or more imported judges for the conduct of trials in said district for the purpose of preventing defendants from receiving fair and impartial trials at the hands of resident judges; whether there exists or has existed a conspiracy between said United States attorney or any of his assistants and officials connected with the administration of justice in said southern district of New York to unlawfully manipulate and control the selection of grand and petit jurors participating in the conduct of trials in the courts of said district; whether the interests either of the United States or individual persons have been thereby unlawfully prejudiced and the orderly and fair administration of justice defeated or obstructed in one or more instances; whether the said United States attorney has employed the powers of said office for the purpose of shielding and from exposing the improper conduct of James W. Osborne in relation to the facts involved in a civil litigation which was pending in the State court of the State of New York and in protecting the said Osborne and others from prosecution for the violation of the United States laws; whether the said United States attorney has willfully and corruptly refused and neglected to prosecute gross and notorious violations of the United States committed by James W. Osborne and others, of the city and State of New York; whether said United States attorney has prostituted the office of the United States district attorney; whether the said United States attorney, for the purpose of protecting the private individual interests of Mr. James W. Osborne, used the powers of his said office as United States district attorney to defame, slander, and injure the good name and professional standing of law-abiding citizens of the United States to their great injury; whether the said United States attorney corruptly failed, neglected, and refused to prosecute persons who, while acting as witnesses for the United States Government, committed the crimes of perjury, subornation of perjury, and conspiracy in connection with the cases of United States against Rae Tanzer, United States against Frank D. Safford, and United States against Albert J. McCullough et al.; whether the said United States attorney used the United States grand jury, not in the investigation of violations of the United States laws but for the purpose of attempting to establish a public record which might be used in defense of James W. Osborne, H. Snowden Marshall, Roger B. Wood, and Samuel H. Hershenstein—the last two being assistant United States district attorneys under said H. Snowden Marshall; whether the said United States attorney corruptly failed to remove certain of his assistant district attorneys, who destroyed documentary evidence, material in the trial of a pending case in the United States district court for the southern district of New York; whether the said United States attorney corruptly and willfully caused to be instituted criminal proceedings against Rae Tanzer and others for the purpose of protecting James W. Osborne, a special United States district attorney and a personal intimate friend of the said H. Snowden Marshall; whether the said United States attorney failed and refused to present to the court in trial of causes material and important evidence, and has deliberately concealed, and either assisted or acquiesced in the concealment or destruction of material and important evidence in pending cases in the United States district court for the southern district of New York; whether the said United States attorney is corrupt, negligent, and unfit to retain the office of United States district attorney for the southern district of New York; whether the said United States attorney has willfully and persistently violated the laws of the United States in connection with the performance by him of the duties as such United

States district attorney for the said southern district of New York; whether the said United States attorney corruptly and willfully withheld and failed to present before the grand jury material and important evidence in connection with alleged investigations instituted before said grand jury by said H. Snowden Marshall in relation to the cases of United States against Rae Tanzer and United States against Albert J. McCullough et al.; whether said United States attorney corruptly and willfully refused and neglected to take cognizance of highly improper and unlawful conduct of some of his assistant district attorneys, in connection with the attempted performance by them of official duties as such assistant United States district attorneys; whether the said United States attorney corruptly and willfully participated or acquiesced in the presentation to the court in the trial of cases alleged evidence which he knew to be untrue and manufactured, or assisted in the manufacture of and attempted to manufacture such alleged evidence; whether the administration by said United States attorney of his office has resulted in the injury and wrong to litigants in said district or to the people of that district and the United States; whether the said United States attorney has been guilty of any misbehavior for which he should be impeached.

And in making this investigation, the said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer, and is also authorized to appoint a subcommittee to act for and on behalf of the whole committee whenever and wherever it may be deemed advisable to take testimony for the use of said committee. The said subcommittee, while so employed, shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee or subcommittee and shall attend the sitting of the same as ordered and directed thereby. The Speaker shall have authority to sign, and the Clerk to attest, subpoenas for any witness or witnesses.

The expense of such investigation shall be paid out of the contingent fund of the House.

Mr. MOSS of West Virginia. Mr. Speaker—

Mr. MANN. Mr. Speaker, I make the point of order that the resolution is not privileged.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Well, to begin with, it provides for the payment of the expenses out of the contingent fund of the House, and under the rules no resolution providing for that is privileged unless it is reported from the Committee on Accounts.

That is far enough; but my colleague from Illinois has impeached this official and the House had referred that matter to the Committee on the Judiciary. Now he presents a resolution, not of impeachment, but a resolution authorizing a committee to make an investigation, which of itself is not a privileged matter.

The privileged matter is the impeachment. That is not concerned in this case. The Speaker could very readily see that if to-day I can impeach a judge or other official of the United States and have it referred to the Committee on the Judiciary and immediately thereafter present a resolution providing for an investigation, and that is privileged, then I am entitled to have an hour in the House in the discussion of that, and if that be voted down I can present another resolution, if it be privileged, in a little different form, and take another hour in the House, and if that be laid upon the table or something else be done with it, then I present another resolution along the same lines, and so on ad infinitum.

Now, the privilege is the presenting of the impeachment. A Member on his responsibility in the House impeaches an official of the Federal Government. That is a matter of high privilege. But when the House has disposed of that it is not a privileged matter to present another resolution referring to an investigation of that subject.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] will be heard.

Mr. BUCHANAN of Illinois. Mr. Speaker, I submit that the point made by my colleague [Mr. MANN] is not well taken. The fact is that a Member of this House is privileged to indict a Federal official every day, if he sees fit, so far as anything in the rules is concerned; and certainly if impeachment charges are read against an official, and there happens to be new information, or the necessity to amend, in order to make the charges cover a certain question, and satisfy those who will perhaps act on them, and if perhaps on account of precedents and technicalities that often obstruct justice it becomes not only the privilege but the duty of a Member who feels that high crimes have been committed by a public officer, to amend those charges, so that they may cover the whole question involved, it seems to me that a Member ought to be allowed that privilege.

Now, I am not and of course do not pretend to be a lawyer, while I read some law while I was at the head of the trade-union movement, and tried to steer clear of the law in trying to secure the rights of the unions that I represented; but the law is supposed to be based upon reason and justice. The rules of this House are based upon such principles as will expedite the business before the House, if those rules are properly framed, and they are based upon precedents, of course, as we know.

If the Speaker has not had his attention called to the precedent made at the time of the impeachment of President Johnson, I should like to refer the Speaker to Hinds' Precedents, volume 3, section 24, page 824, where a resolution similar to the one I have presented was offered and a point of order raised, and the Speaker at that time decided that it was privileged.

The SPEAKER. The Chair wishes the gentleman would speak so that the Chair can hear him.

Mr. BUCHANAN of Illinois. I say a point of order was raised at that time against the impeachment resolution, the resolution being similar to this one, and the Speaker decided that it was a privileged question and therefore in order.

I read from page 824 of Hinds' Precedents:

A question of order being raised, the Speaker held that the resolution presented a question of privilege.

A motion by Mr. Rufus P. Spaulding, of Ohio, that the resolution be laid on the table was disagreed to.

Now, Mr. Speaker, in the more recent Swayne case a resolution similar to this was offered, not as an amended resolution but as an original resolution. I claim, Mr. Speaker, that there is not a scintilla of precedent or anything in our rules that denies to a Member the right to amend or to reimpeach if he sees fit. I have not been able to find anything which says I would not have a right to rise now and offer that as a resolution of impeachment, although I read impeachment charges on the 14th of December. Although I do not pretend to be fully familiar with those questions, I want to say that in the Swayne impeachment case, where a like resolution was acted on, while a decision was not rendered on the question of order, it was referred to as being in doubt, and all the statement that was made in that case was that it was a question of high privilege and was in order.

Therefore I submit that the position taken by my colleague from Illinois [Mr. MANN] is not well founded and that this resolution is in order.

I might read a few paragraphs from this Swayne case, but do not feel it necessary to take up much time of the House. Mr. Lamar, of Florida, the Member who had presented the impeachment charges, said:

I understand the objection made by the gentleman from Ohio [Mr. Grosvenor] is that I do not charge Judge Swayne with any specific crime. I do charge him generally with high crimes and misdemeanors. Why should I be forced to state, when the proof is to be submitted to the Committee on the Judiciary, the specific matter upon which that general allegation is made? Every single crime that this judge is capable of committing is charged when I charge him on this floor with the commission of high crimes and misdemeanors.

Now, Mr. Speaker, as I stated, parliamentary law and all other law, especially where there is no precedent in conflict with the action that we are undertaking, should be founded on common sense and justice and on the sort of rules that will tend to expedite the matter before the House. According to the precedents of the Judiciary Committee, for instance, in the Dayton case, the impeachment charges were read on the 12th of June, and on the 9th of February following, or about eight months afterwards, authority was asked to subpoena witnesses and for the payment of expenses. The judge was not impeached, and no report was made on the subject to this House.

This is a question of great importance to the Members of this House, and of great importance to the people whom they represent, and certainly there ought not to be any question, there ought not to be any disposition on the part of any Member here to delay action that is brought for the purpose of sterilizing and purifying what seems to me the most corrupt administration of law that has ever been practiced.

So far as I am concerned, Mr. Speaker, in regard to this, I care very little about it. I have always been able to take care of myself. I have not bothered this House very much about my affairs, but there is a question that perhaps concerns every Member of this House, whether or not a Member of this House can be interfered with in his efforts to represent the people who have sent him here, and whether charges without any foundation of truth, and without a scintilla of evidence to sustain them, can be brought to hamper him in his efforts to represent the people whom he has been sent here to represent.

The SPEAKER. The Chair will inquire of the gentleman from Illinois what he thinks about the specific point of order that his colleague [Mr. MANN] has made, that the privileged character of the resolution is destroyed by the provision that the expenses of the investigation shall be paid out of the contingent fund of the House?

Mr. BUCHANAN of Illinois. I am not familiar with the precedents in regard to that. I shall have to leave that to the broad wisdom of the Speaker.

Mr. FITZGERALD. Mr. Speaker, I do not know what the purpose of the gentleman from Illinois [Mr. BUCHANAN] is re-

garding this resolution. The matters referred to are sufficiently grave to demand the careful consideration of the House. If the purpose of the gentleman from Illinois be to have the resolution referred to the Judiciary Committee, I suggest to his colleague that the point of order be withdrawn.

Mr. MANN. If that be the purpose of the gentleman I shall make no point of order.

Mr. BUCHANAN of Illinois. What is that?

Mr. FITZGERALD. If the purpose of the gentleman is to have the resolution referred to the Committee on the Judiciary, I suggest that his colleague, the gentleman from Illinois [Mr. MANN], withdraw the point of order.

Mr. BUCHANAN of Illinois. No; that is not the purpose. I want immediate action, and my reason for that is, if the gentleman will permit me, that I find that unless the committee is empowered to subpoena witnesses it is going to be very difficult to get facts in regard to this matter. The impeaching Member is required to furnish a certain amount of prima facie evidence, and that makes it a great burden, especially on a man with my limited resources. I have little money and no great amount of time, and I want this put in a position where the committee at its own discretion can investigate it. It is not my intention to cast any discredit on the Judiciary Committee, but I am not in a position to bring witnesses or secure affidavits which the rules and practice of the Judiciary Committee would require me to do. Unless the resolution is passed giving this committee authority to act as authorized by the resolution there is likely to be a failure of justice. I do not see how there can be any objection raised against the resolution. Certainly the Committee on the Judiciary ought not to raise any question, because it is giving them authority to act within their own discretion.

Mr. FITZGERALD. Mr. Speaker, when charges of the grave character which have been submitted against the United States district attorney for the southern district of New York are preferred in the House it is incumbent upon the House to proceed in an orderly and careful manner. In December the gentleman from Illinois [Mr. BUCHANAN] impeached the United States district attorney for the southern district of New York. Upon his own motion, the impeachment matter was referred to the Judiciary Committee. I do not know what has transpired before the Judiciary Committee of the House, but I am confident that if there were any necessity for that committee to ask the House for any powers whatever, or any authority not now vested in the committee but necessary to enable it to reach a proper conclusion, the committee would come to the House and its request would be granted.

It is not fair to ask a committee, however, simply because some one asserts charges against a public official, to commence an indiscriminate investigation unless something substantial be brought before the committee to justify its action in the matter. This matter is of such importance that I desire that the Judiciary Committee be given the fullest opportunity to do whatever may be necessary. I have no opinion to express about the truth of the charges or the probability that they shall be sustained. Whatever opinion I may have of the integrity and capacity of the United States district attorney for the southern district of New York I shall refrain from stating, and I shall express no opinion that might in any way prejudice the matter one way or the other. But, Mr. Speaker, if the gentleman from Illinois [Mr. BUCHANAN] is not willing that the resolution shall go to the Committee on the Judiciary, then I shall press the point of order made by the gentleman from Illinois.

I call the attention of the Speaker to a precedent in volume 3 of Hinds' Precedents, section 2051, page 375, where it was held that a resolution directly proposing impeachment is privileged, but the same is not true of one proposing an investigation with a view to impeachment:

On December 2, 1867, Mr. William E. Robinson, of New York, claiming the floor for a question of privilege, offered the following resolution:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the conduct of William B. West, American consul at Dublin, in Ireland, regarding American prisoners in that city, and to report thereon forthwith, to the end that if he has been guilty of conduct which would be liable to impeachment this House may take measures to have articles of impeachment presented to the Senate."

The Speaker held that the resolution did not involve a question of privilege.

An examination of the resolution pending, offered by the gentleman from Illinois [Mr. BUCHANAN], discloses that it is identical in character with the one to which I have referred, although much more voluminous.

As to the other point made by the gentleman from Illinois [Mr. MANN], it has been repeatedly held that a resolution proposing an expenditure from the contingent fund of the House must be referred to the Committee on Accounts. That has been

waived in many resolutions because of the importance of the object sought. When this resolution does come for action before the House, I serve notice that I shall move to refer it to the Judiciary Committee, in order that that committee may have an opportunity to present its views as to the probable action which should be taken before the House acts in a matter of such grave importance.

Mr. MOSS of West Virginia rose.

The SPEAKER. For what purpose does the gentleman from West Virginia rise?

Mr. MOSS of West Virginia. I rise, as a member of the committee, to state what has occurred before that committee.

The SPEAKER. The Chair declines to hear the statement of the gentleman. The matter before the House is the point of order.

Mr. MOSS of West Virginia. I desire to speak upon the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MOSS of West Virginia. Mr. Speaker, in the first place, I think it is very clear that the resolution is not privileged, for the reason stated. In the second place, the Speaker will not ignore the fact that the gentleman from Illinois [Mr. BUCHANAN] has preferred impeachment charges directly. Those charges say that certain things have occurred. They do not say that the Judiciary Committee or any other committee is to find out whether they have occurred. The fact is that there has not been one shred of evidence offered before the Judiciary Committee, although the gentleman from Illinois has had an opportunity on two occasions to offer it, but was distinctly told—

Mr. BUCHANAN of Illinois. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN of Illinois. The gentleman from West Virginia is not speaking to the point of order on this resolution.

The SPEAKER. The point of order is sustained.

Mr. TOWNER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. TOWNER. I rise to discuss the point of order before the House.

Mr. MOSS of West Virginia. Mr. Speaker, I have not yet finished my discussion.

The SPEAKER. The gentleman will proceed, and the Chair will later recognize the gentleman from Iowa [Mr. TOWNER].

Mr. MOSS of West Virginia. Mr. Speaker, the resolution now offered is a mere blanket resolution asking this House to investigate some 40 or 50 alleged charges against an officer of this Government, without a single allegation on the part of the gentleman from Illinois [Mr. BUCHANAN] that a single one of those charges is true. It seems to me that to entertain a motion of this kind is to throw the bars down for any Member of this House in the future, without assuming any responsibility and without any probable cause to believe that the charges are true, to subject any officer in the country to the trouble, expense, and notoriety of defending them and to subject the committees of this House to the unnecessary labor of fruitless investigations.

Mr. TOWNER. Mr. Speaker, it is well for us to remember that the question that the Chair is called upon to determine is the question of whether or not this resolution is privileged. What shall be done with it is another question. It is possible that it may be sent to a committee, but the question now before the House is whether or not it is privileged for the purpose of consideration by the House. I suggest to the Speaker that if the original resolution were privileged, as that seems to be conceded, I can see no reason why the consideration of this resolution is not also privileged. It only asks for more power than was given in the original resolution for the committee to which that resolution was submitted. Upon what ground, then, can it be reasoned that this is not a privileged resolution?

The SPEAKER. The Chair will ask the gentleman what he thinks about the specific point of order that the gentleman from Illinois [Mr. MANN] made?

Mr. TOWNER. Mr. Speaker, if it shall be necessary for the House to refer this to the Committee on Accounts, that does not take away from this resolution its character of privilege. What the House will do with this resolution after it has been determined that it will consider it is something that may arise after this proposition has been submitted. Let us see what these propositions are. It is determined unequivocally and by an unbroken line of precedents in this House that this character of resolution is a question of the highest privilege. It has never been held, as the gentleman from Illinois [Mr. BUCHANAN] suggests, that a resolution may not be amended for any good reason. It has never been held that if its power is not sufficiently, is not accurately, is not determinately made in the original

resolution, that the House may not amend that resolution and give the committee on investigation additional power.

The SPEAKER. The Chair will suggest to the gentleman from Iowa that there was not any original resolution. The gentleman from Illinois [Mr. BUCHANAN] rose in his place and impeached this district attorney. That is a matter of the highest privilege. The substance of this resolution is right at the end of it—that the Judiciary Committee shall be instructed to conduct this investigation. The only question that the Chair cares to hear about is as to the last sentence in the resolution, and that is with respect to the expense money.

Mr. TOWNER. I can only suggest to the Chair, if that is the only question in his mind, that that does not raise the question of the privileged character of the resolution.

The SPEAKER. Why does it not?

Mr. TOWNER. Any investigation of impeachment, no matter how it shall arise, must necessarily involve expense to the House. There never has been an impeachment that has not involved large expense to the House, and now, merely because this resolution says the expense shall be paid by the House, when perhaps it might not have been suggested in the original statement of impeachment, does not change the character of it.

The SPEAKER. That is true, but the House has its own machinery for getting at paying bills here. It has been practiced a long time. Is that last sentence on this paper that the gentleman from Illinois [Mr. BUCHANAN] hands up in contravention of the rules and practices of the House?

Mr. TOWNER. Again let me suggest to the Speaker that if impeachments have been carried on when no statement was made regarding the expenses, which everyone knows are incurred, that the mere fact that the statement is made in the resolution now presented which is merely amendatory will not determine that the statement and its amendment are not entitled to consideration under the rule of privilege.

The SPEAKER. The Chair will suggest to the gentleman that it is the invariable rule held by every Speaker who has ever sat in the chair, that if any part of the resolution is not privileged, that destroys the privilege of the whole resolution. Query, Is that last sentence against the rules and practices of the House?

Mr. TOWNER. I again suggest to the Speaker that that certainly can not be. There may be some things in the resolution, it is true, that may not be privileged, but that does not make very much difference when the question is a question of impeachment, and that is the only question to be determined. The form of a resolution referring to or amending the original statement can not take away its privileged character. The statement of impeachment, being but an expression of the act of impeachment, is a question of the highest privilege. Merely because the Committee on the Judiciary is asked to do or not to do certain things at the instance of the man who makes the impeachment in the House will not determine their action nor should it deprive the impeachment proceeding of its character of high privilege. I judge the House in such case would be at least as liberal as the courts and look at the substance and not the form.

The SPEAKER. The Chair believes and holds that this whole resolution or paper is privileged except the last sentence. Away back in the days of Mr. Speaker Colfax—and he is universally conceded to have been a parliamentarian of high degree—

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to submit this statement—

The SPEAKER. If it is on the point of order the Chair will hear the gentleman.

Mr. BUCHANAN of Illinois. If a resolution to authorize a committee to investigate and subpoena witnesses is in order, how can it be reasoned that providing means to do that thing is out of order?

The SPEAKER. The House has its machinery for providing means to make an appropriation out of the contingent fund. There is no trouble about getting the money if you ever get the resolution.

Everybody knows, who has ever paid any attention to it, that an impeachment is of the highest privilege. The Chair believes that every motion that is necessary as an ancillary motion to carry out the will of the House in that regard or to ascertain its will is privileged. Mr. Speaker Colfax, in the case—

Mr. BUCHANAN of Illinois. Mr. Speaker, may I have the privilege of withdrawing the objectionable part of it?

The SPEAKER. Of course the gentleman can amend this like anything else.

Mr. BUCHANAN of Illinois. I ask unanimous consent that that last paragraph be withdrawn.

The SPEAKER. The gentleman can withdraw the resolution and cut that out and offer it over again.

Mr. BUCHANAN of Illinois. I know that, but I thought this would be the quickest way, if it could be done; and I ask unanimous consent to withdraw—

Mr. MANN. I think we ought to have a ruling, if we can. But if the Chair does not care to rule—

The SPEAKER. The Chair will render his opinion.

On January 7, Mr. James M. Ashley, of Ohio, rising in his place, declared: "On my responsibility as a Representative, and in the presence of this House and before the American people, I charge Andrew Johnson, Vice President and Acting President of the United States"—

Then there is a statement of the charges. The last part of his statement was a resolution:

Be it resolved, That the Committee on the Judiciary be, and they are hereby, authorized to inquire into the official conduct of Andrew Johnson, Vice President of the United States, discharging the powers and the duties of the office of President of the United States, and to report to this House whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which were designed or calculated to overthrow, subvert, or corrupt the Government of the United States, or any department or officer thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which in the contemplation of the Constitution, are high crimes or misdemeanors, requiring the interposition of the constitutional power of this House; and that said committee have power to send for persons and papers and to administer the customary oath to witnesses.

Now, that is almost the phrase in the resolution that is offered by the gentleman from Illinois [Mr. BUCHANAN]:

A question of order being raised, the Speaker held that the resolution presented a question of privilege.

That is the resolution.

Then the motion to lay on the table, and so forth, is not pertinent. The case cited by the gentleman from New York [Mr. FITZGERALD], the Chair thinks, is not on all fours with this, because that was not an impeachment. It was a resolution to authorize somebody to find out whether there ought to be an impeachment. The Chair holds, as has also been held times out of mind, that if any part of a resolution is not privileged, then it destroys the privilege of the entire resolution. The Chair holds that the last sentence is not privileged, which destroys the privileged quality of the entire resolution.

The gentleman from Illinois [Mr. BUCHANAN] asks to withdraw his motion temporarily.

Mr. BUCHANAN of Illinois. Mr. Speaker, I offer the same resolution, with the last paragraph stricken out.

The SPEAKER. The gentleman from Illinois asks to strike out the last sentence without reading it again.

Mr. MANN. The gentleman does not ask to strike it out, but strikes it out.

Mr. BUCHANAN of Illinois. I ask to strike it out.

Mr. MANN. Or ask the Clerk, possibly, to do it.

The SPEAKER. The gentleman is simply trying to save the trouble of reading it over again.

Mr. BUCHANAN of Illinois. That is what I am trying to avoid.

The SPEAKER. The Clerk will strike it out. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, I move to refer the resolution to the Committee on the Judiciary.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution is not privileged, if the Speaker will bear with me for a moment.

The SPEAKER. Certainly.

Mr. MANN. It is perfectly plain to my mind, if the resolution is to be considered by itself, it is not privileged. There is nothing in the resolution about impeachment. It is on all fours with various cases, one of which has been referred to, unless—

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. MANN. In just a second—unless the Speaker connects

this resolution with the impeachment which the gentleman made to the House some time ago. There is no reference to that matter in the resolution itself.

Mr. BUCHANAN of Illinois. Will my colleague yield?

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question. Has not the gentleman from Illinois [Mr. BUCHANAN] a perfect right to go back and start all over again and impeach this district attorney anew?

Mr. MANN. I think it has been held that he has.

Mr. BUCHANAN of Illinois. I think my colleague did not understand the reading of the resolution.

Mr. MANN. Well, I did not understand the reading of the resolution, but subsequently I went to the desk and read it and then I understood.

Mr. BUCHANAN of Illinois. The first part of the resolution itself connected it with my impeachment charges on December 14—

Mr. MANN. No part of the resolution is connected with impeachment charges made by the gentleman at all. There is a

preliminary statement of the gentleman. That is not part of the resolution; that is debate, and the House does not pass upon debate on a question of privilege.

The SPEAKER. Of course it does not.

Mr. MANN. That is not the resolution and it is no part of the resolution.

There is no reference in the resolution to the question of impeachment, except at the end of the resolution, or toward the end, it provides whether this is cause for impeachment proceedings, or some language like that; but that is on all fours with the resolution, which the Speakers have heretofore held were not in order, because they were merely resolutions of investigation and were not impeachment resolutions. If the gentleman presents an impeachment resolution, that is in order. Now, I am perfectly willing for the Chair to rule that this sort of resolution is in order, because it will come in very handy sometime when we want to take up the time of the House by having resolutions several yards long concerning an investigation, winding up to see whether a man ought to be impeached or not. But it will be a process, not of reaching impeachment charges, but a process of delaying the proceedings of the House.

The SPEAKER. The Chair will inquire of the gentleman if he read the preamble.

Mr. FITZGERALD. There is no preamble.

Mr. MANN. There was no preamble read, and there is no preamble in the copy furnished to the reporters that I saw.

Mr. BUCHANAN of Illinois. Who do you mean? The House Reporter?

The SPEAKER. It is rather inartistically drawn. [Laughter.] But, nevertheless—

Mr. MANN. It is a statement of debate. The gentleman reduces his remarks to writing and refers to what I have done. It is not a preamble. It is a debate. The gentleman reduced it to writing and had the Clerk read it. It is debate, pure and simple.

The SPEAKER. The Chair will read the "Whereas," as follows:

Whereas on the 14th day of December, 1915, certain charges of impeachment were presented in this House by me against the United States district attorney for the southern district of New York, H. Snowden Marshall; and

Whereas said charges were not accompanied by a resolution empowering the Judiciary Committee sufficiently:

Therefore I present the following amended impeachment charges contained in the resolution which I am now offering.

Mr. MANN. Now, that is pure debate. That is not a "whereas." Now, there are no impeachment charges in the resolution. While he says he presents them, they are not there.

Mr. BUCHANAN of Illinois and Mr. GARRETT rose.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] is recognized.

Mr. BUCHANAN of Illinois. I want to submit that that "resolve" was put in there not as a part of the argument for the very reason the gentleman gives for raising the point of order. Now, if I have not worded it exactly right, then, perhaps, after this I will have to go to my friend and colleague [Mr. MANN] in order to get things just in the proper form so that they will be understandable and acceptable here without a point of order being raised against them. But if I had not wanted that as a part of the resolution I would not have put the "resolve" there to start with. If I had just simply been going to make a statement in regard to the matter as a part of the argument, I would not have had those "resolves" there, which are plain on the face of them. That was intended as a part of the resolution.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] is recognized.

Mr. GARRETT. Mr. Speaker, I have no sort of interest in this matter except that public interest which everyone who is liable to have some responsibility placed upon him in connection with it should entertain. I rise not so much to discuss the question of order as to appeal to the gentleman from Illinois [Mr. BUCHANAN], who presented the resolution, that he withdraw it for the present and resubmit it in unquestionable form. I have to say in candor, Mr. Speaker, that I am of the opinion that the point of order made by the gentleman from Illinois [Mr. MANN] is well taken. This resolution as presented does not set forth any specific charges. An impeachment is privileged. If the impeaching charges be connected with the resolution referring them to a committee, then that resolution would be privileged, but where the resolution is presented without being connected with any charge it is, to say the least of it, a matter of doubt whether under the precedents and practices it is privileged. I am inclined to think that it is not. I think we all agree that these charges, having been made upon the responsibility of the gentleman from Illinois [Mr. BUCHANAN], ought to

be investigated and investigated thoroughly. But upon these large matters affecting an officer of the United States, wherein the House is called upon to discharge a responsibility of the very highest order and of the gravest consequences, it is well that we should be particular to proceed in order. I hope that the gentleman from Illinois [Mr. BUCHANAN] will be willing to temporarily withdraw his resolution and re-form it. I think it certainly can be assured that the matters that he desires investigated will be investigated, but, by all means, upon matters so serious we should proceed in an orderly way.

The SPEAKER. The attention of the Chair had not been called to that "Whereas," and he is inclined to think that the point of order made by the gentleman from Illinois [Mr. MANN] is well taken, and, if the Chair be permitted to express an opinion, the best thing to be done would be for the gentleman from Illinois [Mr. BUCHANAN] to withdraw his resolution temporarily and re-form it so that it would bring it undoubtedly within the line of privilege.

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire, then, to withdraw the resolution.

The SPEAKER. The gentleman withdraws the resolution. Under the special order of the House, the gentleman from Alabama [Mr. HEFLIN] is permitted to address the House for one hour. [Applause.]

COTTON.

Mr. HEFLIN. Mr. Speaker, the South has a natural monopoly in the production of cotton. Nowhere in all the world can the particular staple that we produce be grown except in the cotton belt of the United States. That cotton belt is 1,400 miles long from east to west and 500 miles wide and has in it 448,000,000 acres, 820 counties, and produces two-thirds of the world's cotton crop. This billion-dollar product produced in the South every year is entitled to fair treatment in all the marts of trade.

True, the people of the South do not receive that amount of money for the cotton crop, but that amount would be received if cotton brought its fair value.

A year ago, when conditions produced by the European war depressed the price of cotton, we appealed to Congress to grant us aid. The producers of the South were in distress. They had produced 16,000,000 bales of cotton, at a cost of 10 cents a pound, and sold much of it for 6 cents and 6½ cents a pound. Congress did not grant the relief that we desired, but the President, through Secretary McAdoo, was instrumental in extending aid by raising a fund, through certain bankers in the West, North, East, and South, and \$135,000,000 was raised. That money was to be loaned to the farmer on cotton at 6 cents a pound.

Only \$35,000 of that amount was borrowed by the farmers, but its presence had the effect of putting up the price, and the average price of that crop was about 8 cents. When cotton factors found that money could be borrowed by the cotton producer at 6 cents a pound, and cotton was then selling at that price, the price went up. Why? Because the speculators and spinners knew that if the farmers got that crop tied up in loans they would hold it until cotton went back to 12 and 13 cents, and 13 cents was the figure at which it had sold for five years prior to the European war. In the fall of 1913, after Mr. Wilson became President, cotton sold for 13 cents.

Now, in the early fall of that year there was a premeditated effort on the part of certain gentlemen in New York to produce a panic in the South. They had two objects in view. One was they wished to be able to say that cotton had brought a low price during the first year of a Democratic administration, because that administration proposed to regulate the New York Cotton Exchange, and the other was to obtain the cotton crop at a low price, and mighty factors who operate upon that exchange, and those interested in it, proceeded to try to bring about a panic. And how did they do it? The eastern bankers had been loaning money to the banks in the cotton belt. They made these loans to the local banks, the local banks aided the local merchant, and the local merchant was aiding the farmer. So the eastern banks held papers against the local southern banks due in October and November, and these eastern bankers sent word to the local southern banks that they would expect settlement of their accounts promptly when due. This right in the heart of the cotton-gathering season.

They knew what effect it would have. They had given the southern banker an extension of time on former occasions, but now they must press him for full settlement. They knew what would happen. The local bank would call on the merchant and the merchant would call on the farmer and the farmer would be compelled to sell his cotton whether he wanted to or not.

These New York fellows, interested in the banking business, were also bear speculators on the New York Cotton Exchange.

They were loaning money to the southern banker, making his papers due in October and November; and they were playing on the exchange at this end of the line to break the price of cotton, by bearing the market, and at the other end of the line forcing the producer to sell at the figure fixed on the exchange, and then they would hold the cotton until the price went up 2 or 3 cents a pound. [Applause.] The New York speculator and banker, often one and the same person, loaning money to the local southern banker and operating on the bear side of the exchange, was holding up the southern banker with one hand and robbing the southern cotton producer with the other. [Applause.]

But, Mr. Speaker, their panic plans were interrupted in 1913. Just as the local southern banker was making ready to press the merchant and the merchant to press the farmer for prompt, immediate payment, Mr. McAdoo, Secretary of the Treasury, stated that the Government would deposit crop-moving funds in the South. What do you suppose happened then? Why these eastern bankers said to the local southern bankers, "You need not inconvenience yourselves; if you desire to keep this money longer, we shall be glad for you to do so. [Applause.] So when they found that the Government would not permit such an outrage to be perpetrated against this great producing class of our people these eastern bankers immediately decided that they were not obliged to collect at once money due by southern banks and an extension of time was granted.

In 1914 the farmer produced too much cotton and he lost \$375,000,000 on that crop. But on the principle that the intelligent man will not commit the same big blunder twice the southern farmer reduced his cotton acreage in 1915 about 5,000,000 acres, and he planted corn, wheat, oats, peas, and potatoes where he had produced cotton before. Not only that, but he cut down his fertilizer supply to nearly half of the amount used in the year 1914, and he produced a crop in 1915 5,000,000 bales short of the 1914 crop.

I told you a year ago in this House that the acreage would be reduced and that a small cotton crop would be made, but there were those here who said, "No; you can not get the farmers to reduce the acreage," but they did reduce it.

Mr. Speaker, in the spring of 1915 cotton prices were greatly hampered by interference with cotton shipments. Great Britain consumes more of our cotton than any other country; she has more spindles in operation than any other country, and makes the finest cotton goods in the world. The cotton-spinning industry is the greatest money-making industry in all the United Kingdom, and Great Britain is careful to see to it that her spindles are supplied with cotton.

In the late summer and early fall the spinning interests of Great Britain joined certain spinners in New England in the claim that there existed a large supply of old cotton there and here. I knew that the claim was untrue and that it was made for the purpose of injuriously affecting the market and depressing the price. I stated in August that the supply of old cotton here and abroad was smaller than was claimed by the spinners. I have said all along that Great Britain had a small supply of cotton. Here is a statement from the New York Commercial of December 24, 1915:

If the South continues to hold, it is predicted England will be forced to pay very high prices for the staple during January and February.

Here there is enough cotton for all requirements, but owners are not satisfied with prices offered and are holding, creating what may be described as an artificial shortage. Abroad the situation is entirely different. There, owing to the acute scarcity in ocean freight room and high transportation rates, the mills are threatened with a cotton famine and an era of extremely high prices.

Now, Mr. Speaker, here is a special from New York, dated January 7. It is to the Washington Post and reads as follows:

NEW YORK, January 7.

Following an exchange of cablegrams between this country and London, it became known to-day in Wall Street that Great Britain is threatened with a cotton famine.

Now, suddenly, they are confronted with the prospect of the most serious situation in their textile industry since the Civil War.

Mr. WILSON of Florida. Will the gentleman yield right there?

Mr. HEFLIN. I will yield for a question.

Mr. WILSON of Florida. Does England depend upon Egypt for cotton?

Mr. HEFLIN. Oh, no; Egypt produces a long-staple cotton, something like our sea-island cotton, and England uses vast quantities of short-staple cotton, such as only the United States can produce. The cotton situation commenced to be acute in Great Britain in the spring of 1915, because a great deal of cotton that had been going to feed her spindles had been used in making gunpowder and high-explosive shells. So she began to seize American cotton shipped to Holland, Sweden, and Den-

mark. These were neutral nations, and of course Great Britain had no right to seize this cotton.

Mr. Speaker, Austria, Germany, and Great Britain have all ignored our rights and violated our neutrality; and Great Britain has injured our commerce and violated the principles of international law, and I take the position that none of these countries shall be permitted to insult our national sovereignty and destroy our commerce upon the high seas. [Applause.]

Great Britain seized this cotton which we had shipped to Holland, Sweden, and Denmark. She gave as her reason for doing that that she was afraid that that cotton would go through the neutral countries to Germany. That principle can not hold. It was the business of Great Britain to keep it from going from the neutral nation to Germany if she so desired, but not to interfere with the commerce between two neutral nations. The position that Great Britain has taken in this matter is not sound, and this country will never stand for that doctrine. [Applause.]

But Great Britain took that cotton and used it to make gunpowder and to supply her spindles. Some in this country said, "Well, it is all right. Let her have it. She proposes to pay the contract price." Oh, yes; they thought that very fair and generous to offer to pay the contract price.

When Great Britain commenced to seize our cotton going to neutral nations I took the whole matter up with the Secretary of State, and the Secretary of State made a protest to the Government of Great Britain.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

Mr. HEFLIN. Yes.

Mr. COOPER of Wisconsin. What Secretary of State was it who said that was all right?

Mr. HEFLIN. I did not say that the Secretary of State said that. I said some gentlemen in the East, certain cotton factors, said it, and I raised that question with the Secretary of State that it was not all right. It was not all right for Great Britain to seize cotton going from our country to a neutral nation, and then undertake to excuse the offense and outrage by simply saying that she would pay the contract price. Great Britain needed cotton and her wish to supply her own spindles was as keen as her desire to keep it out of Germany. [Applause.] But Great Britain was willing to pay the contract price. Sure, Mr. Speaker. The contract price was about 3 cents lower than the price that Great Britain would at that time be compelled to pay for cotton in the markets of the world.

So, by seizing 600,000 bales and paying only the contract price, she saved in money \$9,000,000 and she injured our cotton customers in neutral nations to the extent of \$9,000,000.

Whatever the motive, Great Britain did four things when she interfered with our commerce with neutral nations: She obtained cotton at 3 cents a pound cheaper than she could then buy it, kept other spinning industries from obtaining a supply of cotton, furnished a much-needed supply to her own spindles, and depressed the price of cotton in the United States. And I confess as the friend of the cotton producers of our country that I could not enthuse over this outrageous conduct of a foreign country. [Applause.]

I do not want the cotton producers of the United States to be forced to bear any of the expense of a foreign war. They have suffered enough from the general evil effects of that war. [Applause.]

Later, Mr. Speaker, Great Britain, in response to this Government's protest on the subject of seizing our cotton going to neutral ports, said we have reconsidered our former order and we will let Sweden, Holland, Denmark, Spain, and other neutral countries receive some cotton from the United States, provided they do not receive more than they did in 1912 and 1913 in normal years. That was about the statement. Now, Mr. Speaker, how ridiculous, absurd, and unjust was that position. There was no war in 1912-13, and then Great Britain, France, Germany, and Russia were supplying in the main the cotton-goods trade of the Old World. And at this time Germany is walled in, Austria is shut out from the world, England is at war, so is France, Russia, and Italy. The little neutral nations over there said: "We will take advantage of the opportunities thus afforded and go out after cotton-goods trade that we never had before." They did so, and, of course, they needed more cotton to supply their spindles than they did in the normal years of 1912 and 1913.

The more cotton they used the greater market they made for the American producer, and if the countries involved in war had caused the consumption of cotton by spindles to be curtailed, here was an opportunity to increase it; but Great Britain has issued an edict that they must receive cotton in amounts corresponding with those received in 1912-13. If we submit

to that policy, we grant to Great Britain the right to tell us with what foreign countries we shall trade and in what quantities we shall be permitted to sell to them American products; and when we concede to them that right we do so to the shame and humiliation of the American people. [Applause.]

But, Mr. Speaker, those who would rob the cotton producers of the United States do not all live in Great Britain. There are those in our own country who pillage and plunder him in every cotton-selling season, and I desire to discuss just now the cotton situation here. I am of the opinion that there is a conspiracy between certain speculators and spinners operating on the New York Cotton Exchange to bear the cotton market and prevent prices from reaching the point justified by the law of supply and demand. I am not alone in this opinion. There are many people in New York and in the South who believe that this conspiracy exists. The gentleman from Mississippi [Mr. CANDLEB] and the gentleman from Arkansas [Mr. JACOWAY], two as good friends as the cotton producer ever had on this floor, joined me in calling this matter to the attention of the Attorney General, and he is now having an investigation made. These men operating on the New York Cotton Exchange know the cotton situation, and they know that cotton is going to be scarce and high, and they are trying to hold the price down until they can get the cotton away from the farmer into their own hands, and then they expect to make a profit of 3 or 4 cents a pound.

Why do we think that there is a conspiracy?

Why, Mr. Speaker, we made the smallest crop last year that we have made in many years. There were 16,000,000 bales produced in 1914 and not more than 11,000,000 bales, if that much, in 1915—5,000,000 bales short of the 1914 crop. More cotton has been consumed in the last 15 months than in any like period in the world's history. Heretofore when the ginners' report was announced indicating a big crop prices have broken a few points on the exchange, and when the Government's estimate as to the size of the crop was published indicating a big crop the price has always broken a few points on the exchange. Then it follows that when the Government ginners' report shows a little crop and the crop estimate is small the price would go up at least a few points, and heretofore the price has gone up. But this time the bears on the New York Exchange have organized, and when the ginners' report is ready to be published, knowing conditions in the South, and looking for a bullish report, they start to sell the market the day before and on the day the report is announced. They give the command, "Get ready; the Government report is coming out to-morrow. We must sell and bear the market." This is done regardless of whether the report is large or small. They have done that, and they have broken the market in 24 hours when consumption, supply, and demand all warranted a rise in the price. Cotton ought now to be selling for 15 cents, and would be but for this conspiracy on the New York Exchange. Knowing the cotton situation as I do, I am confident that cotton will sell for 15 cents in a short time and, I believe, 20 cents next June. It would have reached 15 cents already if it had not been for this band of conspirators operating on the New York Cotton Exchange. How do they operate? One gentleman tells me it is as fair for the bulls as it is for the bears. The bulls buy and boost the market, while the bears sell and depress the market. I said the situation with the bull is different. The bull is not organized; he never goes upon the market unless he believes that conditions in the cotton trade warrant high prices. Mark the expression: Unless conditions in the cotton trade warrant high prices.

When he knows the situation in the cotton belt where it is produced, and knows about the supply and about the demand, he backs his judgment and goes upon the exchange to buy. The bear speculators will sell. They are organized. They are there to depress the price. Who do they represent? They represent certain New England and European spinners. How do they perform on the exchange? The bull says, "I am going to buy; the crop is the smallest in years; the ginners' report is small, and the Government estimate of the crop is small; the cotton supply small; demand great." So he goes in. It may be that he has a few thousand dollars, but it only takes a little while to dispose of him. One of these bear conspirators will say, "I will sell you 1,000 bales at 12 cents." The bull says, "I will take it." Then this fellow says, "I will sell you 5,000 more at 12 cents." The buyer says, "I will take that." Now he is about ready to retire from the scene. His pocketbook is getting thin, but the bear says, "I will sell you 5,000 more." Then the bull says, "I don't want any more." "All right, then," says the bear. Then if the bull quits bidding, in a little while cotton goes down to 11½, and then under a bear raid the price breaks to 11 cents.

Now, then, suppose these bears break the price to 11½ cents and then to 11 cents. How much have they made? They have made \$2.50 a bale if they break it a half cent, and then 1 cent, they have made \$5 a bale; and they win on the exchange. Then what? The combination of spinners in this country and abroad win, because they buy it from the producer at 11 cents the next day, for that price is wired to the spot markets. There is where they rob the farmer coming and going, and the bears represent certain spinning interests, while the bull is not organized and represents nobody but himself.

A few years ago a prosecution was commenced against certain gentlemen operating on the New York Cotton Exchange. Then it was for a conspiracy to bull the market, and, strange to say, one of the men accused then is now thought to be in the bear conspiracy.

And I hold to the doctrine, Mr. Speaker, that if we can prosecute bulls for putting up the price we can prosecute bears for putting down the price. [Applause.] What is the situation with regard to the charge that the conspiracy exists? Here are some letters from New York received by me since I made the charge. One of them says:

I noticed in the New York American an article wherein you are trying to get at the facts in regard to cotton gamblers and speculators who have been and who are now in a combine and clique to depress the price of cotton in order to take it away from the southern farmer at a low figure before running it higher.

That is in line with what I said before. They want to hold the price down until it leaves the farmer's hands and gets into theirs.

Again, this New York man says:

I am in the Wall Street district more or less every day, and on the day the Government report was issued giving the size of the crop, which was small, indeed, there was a big combine, so it appeared, of cotton gamblers and cotton-mill men ready and eager to sell the market lower by thousands and thousands of bales, regardless of whether the Government report was favorable or unfavorable.

Let me read another line or two from the same letter:

I saw an article published by one cotton firm the day after the report came out stating that they had been in the cotton business for many years and never had they seen such a determined effort to depress the price of cotton as there was that day before the crop yield was announced, it mattering not whether it was large or small.

Now, let me read a portion of another letter received from a man who lives in the South:

HON. J. THOS. HEFLIN,
Member of Congress, Washington, D. C.

DEAR MR. HEFLIN: I have noticed in the press that you have taken a good deal of interest in the present cotton situation, which is very commendable, as it means so much to the southern farmer.

I have never seen a statistical position of cotton stronger than it is to-day, with more reasons why it should advance and fewer reasons why it should decline. I was in New Orleans a few days ago and to my surprise I found the big operators on the bear side, yet believing ultimately cotton would go to 15 cents per pound for the present crop. I was further informed that Mr. ——— was a bear. This convinced me beyond doubt that there was a combination between the New York and New Orleans Cotton Exchanges and the spinners to decrease the price of cotton until it was out of the hands of the farmer and then permit it to take its natural course, which every one with whom I have talked admitted meant very much higher prices.

I must confess that I was surprised to find that some of our southern cotton men, such as members of the New Orleans Cotton Exchange, would lend themselves to a scheme of this kind, but I was so thoroughly convinced that it was a prearranged agreement against the interests of the southern farmer that I thought I would write to you, believing that in your position you might be able to make investigations and possibly bring about exposures that would aid the southern farmer in getting a larger price for his crop.

So here is a conspiracy to prevent the operation of the law of supply and demand to depress the price of cotton, and admitting all the while that cotton will go to 15 cents. God speed the Attorney General in his prosecution of these criminals. [Applause.] Let me give you the situation in the cotton world. The American cotton crop of 1914 was about sixteen and one-half million bales. Our farmers reduced the cotton area 5,000,000 acres, and the size of the crop will be five and one-half million bales short of the crop of 1914. What is the situation abroad? In 1915 Great Britain said to India, "Reduce your cotton acreage. We want you to produce indigo, which is a gold crop, and we want you to produce food supplies for the army," and India cut her cotton area more than 6,000,000 acres, and India is making the smallest cotton crop that she has made in years. Then Great Britain said to Egypt, "You must reduce your cotton acreage and produce food supplies for the army." Mark you, Egyptian cotton is not in competition with our cotton, except some sea-island cotton grown in South Carolina, Florida, and Georgia.

Russia produces cotton; and what happened in Russia? Russia said to her people, "Reduce your cotton acreage and produce food supplies for the army." Then the people of Great Britain and Russia said, "What about cotton next year?" and the answer was, "The United States will make all we want, because for the last three years she has produced upon the average

15,000,000 bales a year." And then they reasoned that Austria and Germany would not be permitted to get their usual supply, which was about 3,000,000 bales.

So with an average crop of 15,000,000 bales in the United States and 3,000,000 bales kept out of Austria and Germany to be added to the world's supply, Great Britain and Russia thought that there would be cotton in abundance for all their needs. But, Mr. Speaker, all these calculations have been upset. Great Britain and Russia reduced their cotton acreage, and the cotton producers of the United States reduced theirs and cut the supply of fertilizers to half the amount used in 1914. So, instead of making an average of 15,000,000 bales, we are making not more than 11,000,000 bales, 4,000,000 bales short of what they expected us to make. Now, then, take the reduction of cotton acreage in India, Egypt, and Russia and the reduction here, and then think of the vast amount of cotton consumed in making gun powder and high-explosive shells, surgical lint, and medicated cotton used by the armies in Europe—and they have used more in this way in the last 15 months than the world has ever used in any 25 years before. Now, we must not overlook the fact that Germany and Austria received early in the season through neutral countries 2,000,000 bales of the 1914 crop. That is just 1,000,000 bales short of their usual supply. Our cotton crop is short 5,000,000 bales, 2,000,000 bales gone to Germany and Austria, so there are 7,000,000 bales missing that they did not calculate on, and to-day the cotton supply in Russia and France is short and England faces a cotton famine.

Misrepresentations have been made and false statements published broadcast about the supply of old cotton abroad. I said to my friends down in Alabama early in the fall, "Gentlemen, if they have a big supply of old cotton in foreign countries, why is it that 10,000,000 bales of the United States cotton crop of 1914 have gone to the Old World?" I said that they were claiming that for the purpose of depressing the price in the United States and to keep from us the true condition with regard to the scarcity of cotton over there. What about the supply in the United States? Some tell us that there are 3,000,000 bales of old cotton here. I deny it. There is not more than 1,000,000, if that. Those who claim that do not take into account 3,000,000 bales consumed in making smokeless powder and explosive shells. I have investigated this matter. I talked with a retired United States naval officer, and he said to me, "Our factories and the armies in Europe have consumed over 3,000,000 bales in 12 months for smokeless powder and high-explosive shells"; but I did not stop there. I went to a gun-cotton expert who works at a powder factory and I said, "A United States naval officer told me that 3,000,000 bales of cotton were being consumed for munition purposes in 12 months," and the gun-cotton expert replied, "That is a very conservative estimate." But I was not satisfied with that, and I asked an expert statistician in the Bureau of the Census, and he said that fully 3,000,000 bales had been consumed in that way.

Because this cotton was not consumed by spindles speculators are trying to make the public believe that it is still in existence. With the world supply so small and the increasing demand so great, nothing but interference with cotton shipments and a conspiracy on the cotton exchanges keeps cotton below 15 cents. [Applause.]

MR. GARNER. Will the gentleman yield?

MR. HEFLIN. I will.

MR. GARNER. Before the gentleman's time is up will the gentleman kindly suggest to the House a remedy for the question of interference with cotton on the high seas?

MR. HEFLIN. Yes, sir. One thing I would do, I would not permit any Egyptian cotton to come into our country until Great Britain permits our cotton to go freely to neutral nations. And I would not permit any country that interferes with our commerce with neutral nations to enjoy the fruits of friendly commerce with us. [Applause.] That is my position.

Now, Mr. Speaker, cotton has sold for 15 cents in times of peace. It sold for 15 cents five years prior to the war in Europe, and the cotton situation is more acute now than ever, for the consumption of cotton is so great compared with the supply. From the sewing thread to the sail rope and the sails upon the sailboat, from the cord on the lightning express to the wings of the aeroplane, from the powder behind the bullet to the deadly power behind the torpedo of the submarine, cotton has performed a tremendous work. Its uses in the domestic world are on the increase. We have mercerized cotton that resembles silk so much that it takes an expert to tell the difference. The cement industry is great and cotton sacks are used for shipping cement. Automobiles are being manufactured by the thousands and hundreds of thousands and cotton is used to make automobile tops and tires. Why,

it is used for nearly everything; there is an increasing demand for it all the time, and yet the price has not followed the law of supply and demand this season.

The law of supply and demand is hampered. It is tampered with by these conspirators on the exchange, and they will not let that law have full and free operation; and I submit to this House that the conspiracy to prevent this or any other product of the soil from bringing a fair price and a living profit to the farmer ought to be investigated and prosecuted to the limit of the law. [Applause.] Let me say to all those interested in the New York Cotton Exchange: "You had better put your house in order, for the cotton exchange that does not reflect the prices that should follow the law of supply and demand is not helpful but hurtful to the producer and it has no legitimate place in the cotton trade. Aye, a cotton exchange that can be manipulated to the detriment and great injury of thirty millions of people dependent upon the cotton industry of the South ought to be abolished. [Applause.]

Mr. Speaker, I think that an exchange properly regulated and honestly and fairly conducted is a help to the cotton trade. Why should there be a cotton exchange in New York? We have no grain exchanges in the South. Your great grain exchange is in the heart of the West, in the great city of Chicago, and our cotton exchanges, if we are going to have any, ought to be in the South, at Galveston, Tex.; Memphis, Tenn.; New Orleans; and Savannah, and not away up in the East at New York. [Applause.]

Now, in conclusion I want to say that the world's cotton crop of 1914 was 24,000,000 bales, and the world's spindles consumed 20,000,000 bales; felts, bats, medicated cotton, and so forth, lost at sea, destroyed by fire, 1,448,000 bales; smokeless powder and high-explosive shells, 3,000,000 bales, making 24,445,000 bales. We dipped into the old supply of 1913, and it is gone. Now, then, if the world consumes this year 20,000,000 bales, where are they going to get the cotton? The world's crop is less than the American crop in 1914, 16,000,000 bales. Our crop 11,000,000 bales, the world's crop outside 5,000,000 bales. You have 16,000,000 bales, with less than 2,000,000 of old cotton in existence, 18,000,000, and the spindles will consume 20,000,000 bales. Now, where is the other cotton to come from? [Applause.]

The cotton spindles of the United States will consume 7,000,000 bales of the present crop, and that would leave only 4,000,000 bales with which to supply the powder factories of the United States and to go abroad, where 10,000,000 bales of the 1914 crop were required.

I repeat, Mr. Speaker, where is the cotton to come from? The cotton-using world is face to face with an inadequate supply of raw cotton. The fact is, next summer we are going to be dangerously near to a cotton famine. I am anxious that the cotton producer receive the price justified by the law of supply and demand.

Is not the farmer entitled to a profit of \$300 on 20 bales of cotton? It costs about 10 cents a pound to produce cotton, and 15 cents a pound for 20 bales will give the farmer only \$300 profit.

We will make a small crop of cotton this year. We made more corn last year than in any previous year. We are producing velvet beans in abundance in the cotton belt. The peanut industry in the district of my friend from Alabama [Mr. DENT] is flourishing, as well as in other sections of the South, and peanut oil is selling for 75 cents a gallon. It is splendid dye material, used to dye silk. We are going to plant peanuts and we are going to plant velvet beans in abundance. We are going to diversify even more than we did last year. [Applause.]

Mr. Speaker, the Federal reserve act introduced into this House by that great statesman from Virginia, Mr. GLASS, is now in full operation, and what a blessing it is to the whole country. When the cotton crop of 1914 was on the market the financial situation was demoralized; but how different now since we are operating under the Federal reserve act. Money is plentiful, and we are enabled to hold our cotton. We ought to hold, and I believe that we will hold, 5,000,000 bales of this crop. We are going to get 15 cents or more, in spite of this conspiracy on the exchange, and if we can do that our farmers will be better off than they have been for many years. [Applause.]

One gentleman said in his letter to me:

The cry every day around the exchange is that the South is still holding. We must bear the market, break the price, and make them sell, and then hold it until it goes to 15 or 20 cents.

I want the producer to get the benefit of some of that high price that is to come. The good price that the farmer has received for cotton seed has helped him in his efforts to hold his cotton—cottonseed oil is 60 cents a gallon. The linters on the cotton seed, that used to sell for 2 cents a pound or a cent

and a half a pound, now sells for 8 and 9 cents. The money that he obtained from this source has helped the cotton producer to keep his cotton off the market. Cottonseed meal is selling for \$36 and \$38 a ton.

Mr. LOBECK. May I ask the gentleman a question, Mr. Speaker?

Mr. HEFLIN. Yes.

Mr. LOBECK. If you had a free selling market into Scandinavia and the Dutch Empire, the Netherlands, and into Denmark, do you not think that if we had competition from them to purchase, and had that as an increasing market, the price of cotton would go up?

Mr. HEFLIN. Certainly.

Mr. LOBECK. Have you not a remedy to offer as to how to get at that?

Mr. HEFLIN. Yes. I have already referred to that. But we ought to have access to these markets. We ought to be permitted even to send cotton to Germany. Why? Because the expert testimony is now that they are using cellulose from wood with which to make their powder, and they want cotton to spin in making clothes for the people there.

Now, let me go back to the subject of this year's crop. Gentlemen, the boll weevil is in south Georgia and south Alabama. He is in my district; and I represent the largest cotton-producing district in the State. One county in my district made 44,000 bales of cotton in 1914 and about 16,000 bales last year. The boll weevil is in that county. One county in Mississippi—Montgomery, I believe—made 18,000 bales before the boll weevil entered it, and made but 3,000 bales under boll-weevil conditions. We are not going to try to raise cotton in some of the boll-weevil sections, but will try something else. Another and big reason why we are not going to produce a large cotton crop this year is the high price of fertilizers. We have to pay \$40 a ton for potash. We used to buy it for \$8 and \$10. We can not afford to use it at that price, and we can not make cotton on a great deal of the land without it. Can we use cottonseed meal? That is a fine fertilizer. We can not use it at \$36 or \$38 a ton. It is too high. A man in my district had forty-odd tons of acid left over in the spring of 1914. He said, "I do not know what I will do with it." But in less than four months he sold it for \$90 a ton and shipped it to Europe. They are taking all our potash and acid to use over there in explosive materials and in fumes and gases. We are not going to have the supply of fertilizers to make this cotton crop, and therefore we are going to plant other crops.

We are working toward what I have advocated ever since I have been in Congress, a spot-cotton exchange in the South and borrowing money on warehouse receipts—and storing cotton and holding it as is now being done is the greatest step ever taken in that direction.

There is a man in the State of Georgia to whom I desire to pay tribute, a wealthy southern gentleman, Mr. Asa G. Candler, who has organized a warehouse system by which the farmer can store his cotton and get a receipt that is negotiable at the banks. The day will come when we will have this situation all over the South. With diversified farming, with an exchange that reflects the law of supply and demand, we will some day obtain the price that this great staple should bring. We will restore it to its rightful place in the markets of the world.

Mr. Speaker, our export cotton-goods trade was better last year than it has ever been. The demand for American cotton goods is better now than last year, and our mills are consuming more cotton than they did a year ago. More cotton was consumed in the last 12 months than ever before in the history of the cotton industry. The cotton mills of the United States have a very small supply. France, Russia, and Italy are in great need of cotton, and Great Britain faces a cotton famine.

The people of the South are cooperating better now in the matter of holding cotton than ever before. Let the law be enforced and the conspiracy on the exchange broken up or the exchange abolished. Let cotton have fair treatment in the markets of the world, and a good and stable price will be received by those who toll to produce it.

Let the South stand firm and fear not. Every fact about the cotton supply and demand is in her favor. If she will hold on, fair prices and living profits are bound to come. [Prolonged applause.]

The SPEAKER pro tempore (Mr. RAKER). The time of the gentleman from Alabama has expired.

Mr. HEFLIN. I ask unanimous consent, Mr. Speaker, to extend my remarks in the Record.

The SPEAKER pro tempore. Without objection, that will be allowed.

There was no objection.

The SPEAKER pro tempore. Under the special order already passed in the House, the gentleman from Illinois [Mr. FOSTER] is recognized for 30 minutes. [Applause.]

AMERICAN NEUTRALITY.

Mr. FOSTER. Mr. Speaker, on last Friday there was delivered in this House a most remarkable speech by the gentleman from Massachusetts [Mr. GARDNER], which contained an indictment against all German-Americans of the United States. It is not my intention at this time to enter into a discussion of international law, for I am not a lawyer, or of our right to ship munitions of war to the allies or to any other country at war, but only in defense of the charges made against this class of people who have come to our country to make it their home. Nor do I intend to enter into any defense of either side of this conflict which now rages across the sea; but you could as easily stop the waves of the ocean as to prevent the sympathy of the native-born of other countries for their relatives over there. He seems to take for his text that the citizens of the United States of German birth have been disloyal to the country of their adoption. One remarkable and, it seems to me, an unjust statement was made about the German-Americans, when he charges they endeavor to prevent the shipment of arms and ammunition to the allies. He says:

His reasoning is simple, and from his point of view it is sound. "Ammunition," says he, "helps the allies; so, by hook or by crook, by laws or by strikes, by gold or by dynamite, by torpedo or by mine, let us do what we can to keep ammunition from reaching our enemies."

There is scattered throughout this land from one end to the other a large class of these people who have come from Germany to this country to find homes and better conditions for themselves and their families. Many of them did not come with property but they did come with clean hearts, pure minds, and willing hands to honestly work for what they received in the country of their adoption. Are there any who have lived among this class of people that can not testify to their industry, economy, and high character? Coming here, poor as they were, they have been willing and anxious to work that they might secure for themselves and their families more in life and live where the opportunities might be better. I care not in what community you may go where there are this class of citizens you will find them loyal, law-abiding, and standing for the upbuilding of the country, making conditions of the community better in every way. It is true, that when they first came to this country most of them were poor and had not had the advantages of a high-school or college education. These people coming from Germany could not afford to send their children to the best schools and colleges, but they secured what education was possible in the public schools in their home communities. As their families grew and they became more prosperous they did not miss the opportunity to better educate their children, so to-day in every walk of life in this country you will find people of German descent who take a prominent part in all the trades and professions of the country. I can remember distinctly, as a boy, when living on a farm in Illinois, of seeing these German immigrants coming to that country with no other property except what few belongings they could carry in a bundle, some of them coming to my father's farm and unable to talk the English language and that my mother was the only one on the farm who could communicate with them in the German language, some of them being employed to work on my father's farm at that time. Farm wages then were small, but being economical they saved a part of what they earned, and as years passed on I have seen these same men acquire farms and other property and become very useful and influential men in the community. Their children grew to manhood and womanhood, being educated in our schools and colleges and taking a prominent part in the affairs of life, and to-day are among the best people of that community.

My grandfather, a man of German descent, who was a minister of the old Moravian Church, often speaking in that early time to the members of his congregation in German, because they could understand no other language, then living at his old home in Salem, N. C., afterwards moving to the wilds of Indiana, and established the town of Hope, which is now a thriving little city. Having a family of eight girls, they were all educated at the old seminary in Salem, N. C. At that early time, before the railroads had been built, he took by wagon two of them back to the old school and leaving them for two years, and then going back with two others to this school and bringing back the two who were there until he had educated his eight daughters. Afterwards he moved to Illinois, where in that community there was scarcely a house. He there established the town of West Salem. This was done by one of these German descendants, as I believe, a true American, full of patriotism

and love of his country. To tell me that men who have such instincts of liberty and love for home and country that his ancestors belonged to that class who are disloyal or dynamiters is saying a thing which is unwarranted and a slander upon that great body of tried and true patriotic Germans who have come to our land. [Applause.]

I remember well at the breaking out of the Spanish-American War the one who marched at the head of the company going from my home town was a German, born and raised in that country across the sea. [Applause.] His patriotism and his love for country induced him to volunteer to fight for his adopted country, and, if necessary, forfeit his life in the interest of patriotism for this country. [Applause.] We can look back over the pages of history and find among the early settlers of our country there were those who were born in Germany who took a prominent part in the fight for our independence and liberty. In the Mexican War there were also those who were born in that European country, shouldered their muskets, went out to battle for their country to which they had emigrated. In the great Civil War which existed in this country from 1861 to 1865 there were many who were not even naturalized, not having resided a sufficient length of time in this country, but who volunteered to fight for the preservation of the Union. No braver and better soldiers served in that war than these Germans, who had come to this country to seek homes for themselves and their families. If the South asks that cotton be permitted to go to neutral countries, if the West should demand that the products of its farmers should have the right to be exported more freely to foreign countries, they are told that it is "love for mammon."

This remarkable passage appears in the speech of the gentleman from Massachusetts:

If our beef barons and our cotton kings and our metal syndicates find that they can not get the exalted price for their goods which they seek to garner out of a devious trade with Germany, at all events we have the satisfaction of knowing that they will be forced to sell their product in the home market at more reasonable figures.

Also, in another place, appears this statement as made by the gentleman:

Has anyone heard Mr. Bryan tell the distinguished advocates of an embargo that their threat to enact legislation which our Government itself has recently declared to be unneutral is certain to endanger our relations with Great Britain, and France, and Russia, and Italy, and Japan? Has anyone heard Mr. Bryan chide King Cotton or his courtiers for their lack of patriotism? Has anyone seen our recent Secretary of State stretch out a single finger to check this scheme for garroting sore-bet Democracy? Perhaps Mr. Bryan's heart throbs for poor King Cotton. Mine I confess remains calm. There is, at least, a silver lining to my cloud. In case these cotton gentlemen are obliged to dispose of their product without securing the extravagant prices which a devious traffic with Germany would assuredly bring them, we can comfort ourselves with the reflection that the useful cotton handkerchief can still be purchased at the moderate figure of three for a quarter.

A great amount of cotton is shipped from the South to be manufactured in the mills of New England. Large quantities of grain and food products are shipped from the West to feed the operatives of the mills of Massachusetts and other parts of the New England States. I would not charge it against the gentleman from Massachusetts, but I suggest that if a limit could be placed upon the amount of cotton and food products to be exported both would be cheaper in price, and, as the gentleman says upon this question, his heart remains calm. The gentleman's heart can remain calm, and there is a silver lining to his cloud in the satisfaction of cheaper material for the mills of his own State and cheaper food for his people at the expense of the farmers of the South and West. [Applause.] If, as he says, "Cotton handkerchiefs may still be purchased at three for a quarter," and yet the profits would be greater in three for a quarter with cheaper cotton and cheaper food than there would be if there was free export of both cotton and food products. It does not seem that it should be considered a crime for the people of this country who produce these products to ask that there should be less restriction upon their exportation that prices may be increased thereby. If the market is restricted, their profits must be reduced and the profits of the manufacturers be increased as a result.

War is an awful thing, and we should do everything honorably in our power to keep our country from ever engaging in another conflict with any foreign power. We do not know what may come in the future or how soon our Government may be compelled to call upon the young men to volunteer to defend the flag and battle for our rights. Let us instead talk for peace and not for war; let us work and pray for universal peace and not big ships, guns, or more men to enlist for battle; let us hope and pray that the mothers of our country shall not be called upon to send their boys to war.

It should be the duty of every individual of this country to avoid complications wherever it is possible to do so. I shall not

argue the question of the rights of our citizens to travel upon belligerent ships, but I do believe it is a part of wisdom for American citizens who have the love of their country at heart and their desire to avoid complications, when necessary to travel upon the sea, that they should take a neutral ship. We many times talk loud and long of our rights and give too little attention to our duty. It seems to me, though we may have the right to take passage upon these belligerent vessels, yet for the sake of our country and to avoid complications that may result we ought not to take chances of drawing our country into any difficulty with any foreign power. When war comes sometimes things are done which men would not tolerate during a time of peace; such has always been the case, and always will. Nations are only an aggregation of individuals, bound together in the organization of government. When men become angry at each other many times unlawful acts are committed. In our own Civil War complaints were made upon both sides and acts of violence were committed which were not countenanced by either Government at that time. I do not believe that with all fairness to the large element of our citizens of foreign birth or German descent that the indictment which has been made against them can be sustained by the gentleman who made it or will be accepted by the people of our country. Whatever difficulty may come to our country from any foreign foe, and even though it is Germany itself, this class of citizens who are so severely criticized will be loyal to our flag, and they and their sons will be among the first to shoulder arms and battle for the rights of our people. It is unfortunate, indeed, that in the American Congress any Representative should charge this large body of our citizens, without exception, with such acts of disloyalty to their adopted country, whose Constitution and laws they have sworn to support. Such statements can only breed an ill feeling and bring on strife among our citizens.

I have taken this opportunity that I might express my resentment against such statements being made by anyone. I have faith in the patriotism and loyalty of this large body of our citizens, though of foreign birth, and their descendants, who came here for better opportunity, for greater liberty and independence for themselves and for their descendants. Many of them may not have the culture and education of the citizens of Massachusetts, because their opportunities have been limited, yet within their hearts there is just as much patriotism and love of home and country. [Applause.] I can not believe that the gentleman from Massachusetts [Mr. GARDNER] represents the true sentiment of the people of Massachusetts in his charge against the people of this country who are of German birth.

Let us hope in the American Congress such an attack will never again be made and that the country will not believe that the American Congress does countenance or indorse such statements. We have reason to believe from past experience when our country was in peril and it became necessary to engage in war that these men of foreign birth or their descendants have been among the first of those to enlist and offer their services and their lives, if necessary, to sustain the flag. [Prolonged applause.]

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Pennsylvania [Mr. MOORE] is recognized for 30 minutes. [Applause.]

THE BALTIMORE PLATFORM OF 1912.

Mr. MOORE of Pennsylvania. Mr. Speaker, another plank in that remarkable compendium of Democratic thought, the Baltimore platform of 1912, has been shattered into splinters. The President of the United States, who ran upon that platform and who has already rendered many of its dulcet paragraphs into sawdust, is not in sympathy with the persistent idea of his late Secretary of State that a single term of six years should satisfy a President. Credit is to be given Mr. Wilson for having made his declaration confidentially to Mr. Palmer, of Pennsylvania, away back in February, 1913, before he had actually assumed the reins of the presidential office. It was written at a time when the gentleman from Nebraska, who was to have been "knocked into a cocked hat," but who was forgiven sufficiently to be appointed premier of the Cabinet, was holding fast to the notion often expressed in the Commoner, and as often vociferated from the public platform, that in all fairness to the people four years would be enough unless by a constitutional amendment the presidential term should be lengthened to a period of six years. It will be recalled that Mr. Bryan spoke before numerous public assemblies and certain State legislatures before the one-term plank was inserted in the Baltimore platform. He believed in it, and indicated the sort of punishment that should be meted out to any "traitor" who would violate the principles enunciated and the pledges made in the party platform.

Without explaining why Mr. Bryan left the Cabinet, whether for peace or for war, it is now clear after the lapse of approximately two years that Mr. Wilson did not agree with Mr. Bryan and that he ran upon the Democratic platform into which Mr. Bryan had injected his favorite plank with a mental reservation. Indeed, it is interesting to note from the President's recently published message to Mr. Palmer that he had very positive views as to the machinations that might be employed by ambitious and clever men to thwart the will of the people, if that will expressed with regard to a second term should be in favor of the reelection of a President. In his letter to Mr. Palmer, although he may have had no reference to the ambitions of his late premier, we find him saying:

If you wish to learn the result of constitutional ineligibility to reelection, ask any former governor of New Jersey, for example, what the effect is in actual experience. He will tell you how cynically and with what complacency the politicians banded against him waited for the inevitable end of his term, to take their chances with his successor.

As it is not our purpose to embroil two distinguished statesmen in what may appear to be a controversy leading up to a presidential rivalry, we shall pass from the possible ambitions of the late premier, who parted from his President with a hearty "God bless you," to what now appears to be the fixed determination of the President to permit the people to exercise their free will with respect to his own renomination. There have been numerous signs recently that the President did not intend to seek the retirement of private life. The state of the Republic as it has been conducted by his administration during the past two years is of itself sufficient to warrant his best and most patriotic endeavor, if only for the vindication of those policies which he has espoused, some of them in sympathy with some of the planks of the platform upon which he was elected and some of them wholly at variance therewith.

In the platform adopted at Baltimore, it will be recalled, trusts and combinations of capital, generally attributed to the successful administration of the Republican Party for a period of 16 consecutive years, were severely denounced.

A private monopoly is indefensible and intolerable—

Said the patchworkers of Baltimore—

We therefore favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States. * * * We condemn the action of the Republican administration in compromising with the Standard Oil Co. and the Tobacco Trust and its failure to invoke the criminal provisions of the antitrust law against the officers of those corporations after the courts had declared that from the undisputed facts in the record they had violated the criminal provisions of the law.

It was a heavy task the Democratic Party laid upon its President, but he started out bravely to put the so-called monopolies out of business. His first address to Congress, it will be remembered, was in line with the Democratic speeches in the House in favor of "the wretched and the downtrodden" everywhere, and against the "grasping hand of private monopoly." In that first address the President boldly struck out for the overthrow of all kinds of "artificial advantage," and for the survival of "the law of nature."

We must abolish—

Said President Wilson—

everything that bears even the semblance of privilege, or of any kind of artificial advantage, and put our business men and producers under the stimulation of constant necessity to be efficient, economical, and enterprising masters of competitive supremacy, better workers and merchants than any in the world. Aside from the duties laid upon articles which we do not and probably can not produce, therefore, and the duties laid upon luxuries and merely for the sake of the revenues they yield, the object of the tariff duties henceforth laid must be effective competition, the whetting of American wits by contact with the wits of the rest of the world.

Since, in the estimation of the President and the Baltimore patchworkers, the sum of all our monopolistic and trust evils was to be found in the Republican protective tariff, we must not lose sight of this first and important declaration of presidential intent, nor should we forget that along about this time came our distinguished Secretary of Commerce, Mr. Redfield, to advise all men in business that their methods were antiquated and that if they expected to survive they must follow the President's instructions not only to "whet their wits" against both the wages and the wits of the world, but to become more efficient in book-keeping.

There was no European war at the time these declarations were made, and during the ensuing months the American public had a fair chance to observe the effects of this new and destructive economic policy.

Mr. SLOAN. Mr. Speaker, will the gentleman yield there?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Nebraska?

Mr. MOORE of Pennsylvania. Yes; I yield.

Mr. SLOAN. The gentleman from Pennsylvania is criticizing the observance or nonobservance of certain Baltimore planks. Does he do that from the Republican standpoint that says it understands a platform should be binding, or from the standpoint of the highest authority in the Democracy, the chairman of the national committee, who says it is "suggestive, but not binding"? [Laughter on the Republican side.]

Mr. MOORE of Pennsylvania. I am referring to that kind of platform that is put out only to fool the people, and which did it very successfully in 1912. [Laughter on the Republican side.]

Mills closed and workmen were thrown out of employment. Great uncertainty prevailed, and the United States suffered a loss of trade which threatened to grow steadily less as the whitewashing policy was enforced. Conditions became so bad that shortly after the outbreak of the European war the President relented in the general crusade against the so-called "large interests" from which trusts are supposed to be bred, that he received the railroad presidents of the country, who had been brought to great distress, and reassured them with soothing words.

When the opportunity came to these same large interests to profit by the war in Europe through the insurance of American shipping that was being risked in or about the war zones, the President again yielded to conferences with the representatives of the mighty financial powers of New York and gave them words of comfort and good cheer.

Let us consider these things in connection with that statement in the Baltimore platform which insisted upon "criminal" prosecutions along with such proceedings as might be brought under the civil law. And in this connection let us not forget the violent speeches that were made upon the Democratic side of the House in line with the "criminal" clause of the Baltimore platform when the Clayton antitrust bill was under consideration. Profits and trusts were to be destroyed by the Underwood tariff. Wealth was to be distributed under the Federal reserve law, but under the new Democratic antitrust laws the so-called "velvet touch" of the Sherman antitrust law was to be eliminated and "teeth" were to be put into the instrument.

Yes; somebody was to be prosecuted and sent to jail when these new laws became operative. First, profits were to be taken away; second, accumulated wealth was to be distributed; third, the large interests were not to be allowed to escape under civil proceedings, but they were to be brought to the bar of the court under "a law which had teeth in it" and which, in effect, was to purify our body politic. I pause to observe, however, that so far as known no trust malefactor has yet been placed in limbo for violating the Democratic antitrust laws.

We have spoken of the President's reassurance to those who were in trouble. It was his comforting announcement that the troubles brought on by the Underwood tariff law were "psychological" and that "big business" should no longer worry simply because it was big, although big business, along with all other kinds of business, had reached rock bottom and could only hope for that turn in the tide which could not be worse. As a matter of fact, the turn for the better came only through the accident or the incident of demands resulting from the war in Europe.

The publication of the President's letter with respect to Mr. Bryan's consistent advocacy of a single term may have had no connection with the careful statement issued on the previous day by the Chamber of Commerce of the United States, with the sanction of Attorney General Gregory, after a conference with that new and highly industrious if not ornamental body, the Federal Trade Commission, but it is significant in view of the Baltimore platform declarations in favor of "criminal" prosecutions and the failure of the administration to put "criminal teeth" in the Clayton antitrust law, that the Attorney General should endeavor to make the public understand that the Sherman Act is a pretty good act after all and to give assurance at this particular time that it "is enforced by the Department of Justice in the same manner and according to the same rules of policy as other statutes—with the same care and with neither more nor less vigor."

But why the Attorney General should go so far in his explanation as to almost apologize to the "large interests" that were so severely condemned at Baltimore, and which the President and his party set out to destroy, is difficult to understand, except upon the assumption that with respect to these so-called "large interests" and those other industries of the country which were to be made to "whet their wits against the wits of the world," the time had come to atone for mistakes as to policy and for the injury actually done to business by the Democratic Party.

For in this roundabout statement of the Attorney General, after discussing the Shipping Pool case, the Anthracite Coal cases, the Harvester case, the Steel case, and the United Shoe Machinery case, the Attorney General, as in conference with the Federal Trade Commission and the Chamber of Commerce of the United States is made to say:

This led to the question as to the policy of the department as regards the method of enforcing the law in those cases which are admittedly doubtful. On that point the Attorney General stated that where men have entered into a transaction believing in good faith that the transaction is a lawful one, and subsequently upon complaint made the department reaches the conclusion that the transaction was not in accordance with the statute, but is yet satisfied of the good faith and innocent purpose of the parties, and can see that there was ground for the view of the law upon which they acted, it has not been and would not be the policy of the department to invoke extreme penalties against them.

In such a case the department would consider that the just and appropriate and quickest way of enforcing the law would be by a civil proceeding in which the question involved could be contested or a consent decree entered, according as the defendants desired, or by a notice to the parties of the department's conclusion, with opportunity to abandon or modify the transaction.

So instead of holding the Republican Party up to scorn any longer the Attorney General and the Federal Trade Commission, at the very moment when the administration is sizing up that all-powerful public opinion to which the President defers in his two-term letter, all business, including "big business," is gently informed that "the good faith and innocent purpose of the parties" engaged even in questionable legal transactions are to be considered before extreme penalties are to be invoked. Apparently there are no teeth in the antitrust laws of the Democratic Party of which anyone in particular need now be afraid, and it begins at last to appear as if the Democratic trust-busting platform enunciated at Baltimore was all moonshine.

In the language of Gov. Colquitt, of Texas, as expressed in a statement issued by him December 2, 1914:

The administration's antitrust laws are barefaced fakes, so far as protecting the people from trust oppression is concerned. These laws please nobody else so well as they do the Standard Oil, the Steel, and other great trusts.

Mr. Speaker, in the 30 minutes allotted to me I have said about all I can get in on this readjustment of the trust question by the Democratic Party. The antitrust plank and the one-term plank pledged to the people at Baltimore have gone glimmering. They warrant us in asking our fellow countrymen why in 1912 they were led into the delusion that the Democratic Party would be able to keep any of the promises it made during the preceding 16 years. The people had a taste of what that party would do in its failure to keep its pledge for free tolls through the Panama Canal.

Mr. TAGGART. Mr. Speaker, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman used 17 minutes. Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. TAGGART. Has the gentleman any explanation of how discriminating some of the people that he has mentioned have been when it comes to the matter of dining?

Mr. MOORE of Pennsylvania. In the matter of dining?

Mr. TAGGART. Yes.

Mr. MOORE of Pennsylvania. I suspect that the two-term announcement, with the suggestion that one term is not sufficient for a President, follows very rapidly after the dinner given in New York by a gentleman named Gary, which has had more or less influence on the Democratic Party.

Mr. TAGGART. Do you not think the object of that dinner was to capture the wagon train and interrupt the communications of another party?

Mr. MOORE of Pennsylvania. There may have been some ulterior purpose in that dinner. I was not a participant in it, but I was convinced the moment I read about it that there would be renewed activity in the Democratic Party, and I was not mistaken. The trusts are not to be prosecuted during the remainder of the present Democratic administration.

Mr. TAGGART. In the matter of hospitality, does not the gentleman think that a rare discrimination was used in the selection of the guests?

Mr. MOORE of Pennsylvania. Oh, I have known members of the Democratic Party refuse to appear at a \$2.50 banquet for fear they would be committed to something—perhaps to make contributions to the Navy League. [Laughter.]

Mr. TAGGART. That was something that was never witnessed before.

Mr. MOORE of Pennsylvania. Oh, yes; Republicans have gone frequently to \$5 dinners and not been committed to anything. They have expressed themselves freely and without reserve.

Mr. TAGGART. I will ask the gentleman if they have ever been committed to anything?

Mr. MOORE of Pennsylvania. Yes; they have been committed to many things. Although the President, in his Indianapolis speech delivered last February, said that the Republican Party had not originated a single idea in the last 30 years, I will say to the gentleman from Kansas that the Republican Party has too many ideas to allow the people to get into such a condition that stamp tax and war taxes have to be imposed upon the people in times of peace.

Now, I am ready for any other questions that may be propounded from the Democratic side. [Applause and laughter on the Republican side.] I am trying to argue that the Democratic Party has been an utter and complete failure in the Nation; and if I was given time I would like to read some expressions from a Democratic governor in the State of Texas, who elucidates this subject delightfully. I am going to ask unanimous consent to put his remarks in the Record along with my speech.

Mr. TAGGART. Will the gentleman pardon me for just another question?

Mr. MOORE of Pennsylvania. Certainly.

Mr. TAGGART. Does the gentleman think that it is impossible for the big business of this country to obey the law?

Mr. MOORE of Pennsylvania. I certainly do not. I am in favor of big business and little business in this country, and I am against the demagogue who has interfered with big business through such fool agitation as we have had on the Democratic side of the House for the last four years. [Applause on the Republican side.]

Mr. TAGGART. Are you criticizing the Attorney General for not proceeding, or are you commending the big interests for obeying the law?

Mr. MOORE of Pennsylvania. I am recalling that certain gentlemen on the other side of the House, when they brought in the Clayton antitrust bill, said "The Republicans have failed to prosecute the trusts. We propose to pass a law that will have teeth in it. We are going after the rich. We are going after the malefactors." I am criticizing them for not making good. Why, your distinguished colleague who has just come up from Texas [Mr. DAVIS] made a beautiful speech on this floor the other day about 8,000,000 farmers in this country, 5,000,000 of whom seemed to be living under chattel mortgages under a Democratic administration. I was astounded, because more automobiles have gone into the farming territory of this country during the last two years than have ever been known in the history of the world. We people from the industrial districts are envious. But, answering the gentleman: I am in favor of the enforcement of the law as it is written on the statute books, and I think that when Democrats, who professed to know more about it than the Republicans, got into power, they ought, at least, to have lived up to their promises and performed some time, somewhere.

Mr. TAGGART. If it is a fact that more automobiles have gone into the agricultural regions than ever before, is that an illustration of hard times?

Mr. MOORE of Pennsylvania. Borrowing the illustration of the President of the United States, and of his Secretary of the Treasury, who is wrestling with the financial statements that are being sent to us every day now, I suppose that that condition is due to the war in Europe. [Laughter on the Republican side.] Almost everything is due to the war in Europe now, except that deficiency which gentlemen on the Democratic side are not quite able clearly to explain.

Mr. TAGGART. Do you refuse to apply the principle of law—

Mr. MOORE of Pennsylvania. Understand, I am not a lawyer; I am dealing with lawyers, but I am trying to explain to the dear public, for whom the Democratic Party has been speaking so plaintively for four years, why it is that when you said you were going to give the poor man a chance in the courts, and take the criminal malefactors up to the bar of justice, you now back away from the enforcement of your law, so that the poor man, if he ever was at a disadvantage, is left exactly where he was before, and the larger interests, with attorneys and ability to meet the expenses of litigation, are still in a favored position. If gentlemen who come from the Democratic States, and who raised this issue in behalf of the poorer litigant, are satisfied with that, why, they are welcome to it.

Mr. TAGGART. Would the gentleman object to adding a list of criminal malefactors in addition to those he has mentioned, and also explain why they are so choice in seeking their companions?

Mr. MOORE of Pennsylvania. I noticed that when the war-risk insurance bill was up for consideration, 62 of them who did not want to invest their own money in providing an insurance

company to take care of exports, and possibly war munitions they were sending to Europe, walked down to the White House and spent a very happy hour or two with the President, and got his approval of their scheme to take \$5,000,000 out of the Treasury of the United States, money belonging to your constituents and mine, to organize an insurance company for their own benefit. [Applause and laughter on the Republican side.]

Mr. TAGGART. How much did the United States lose thereby?

Mr. MOORE of Pennsylvania. The United States lost very severely on the first two ships that went down. All the losses have not yet been ascertained. Some of the cases are in dispute. I welcome the inquiries of the gentleman from Kansas. He is a very intelligent Member of this House, and I am pleased to have him go on with his questions. Now I pause to find out what the administration has done to make good the promises set forth in the Baltimore platform.

Mr. TAGGART. If you will permit me, I will just go on with my questions.

Mr. MOORE of Pennsylvania. That is all right. That is what I want the gentleman to do.

Mr. TAGGART. Since you and I were small boys we have heard men on the stump talking about malefactors of great wealth who have been oppressing the poor and downtrodden.

Mr. MOORE of Pennsylvania. That is true; but that came from your side of the House, never from ours. We knew it to be buncombe then, just as it is buncombe now, which is proven by the fact that you have not done anything to relieve the situation complained of.

Mr. TAGGART. If you will go through the whole history of the jurisprudence of the United States, you can not find the name of one of them that was ever put in jail under any Republican administration. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. I do not know about that. I think we settled the Northern Securities case. We did not go out with any flourish of trumpets as to what we were going to do. We usually went ahead and did it. For 16 years you promised the people you were going to do certain things. Finally by fooling them you got into power as a minority party. You are a minority party now, and you are assuming to run the affairs of this Government for a majority of the people who believe in a protective tariff, which you pretend not to believe in—a tariff that never imposed a tax on the people which any of them could feel or appreciate. Instead of that your only performance up to date has been to put an income tax upon business men and a war tax upon all the people. Now you propose to put the income tax upon the workingman and a war tax upon necessities.

Mr. DAVIS of Texas. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. DAVIS of Texas. I rise to ask if the gentleman from Pennsylvania will yield for a question?

Mr. TAGGART. I think I have the floor.

Mr. MOORE of Pennsylvania. If it is for one of those tart Texas stories, I may not yield. The gentleman has a great reputation down there, and I must be a little careful—

Mr. DAVIS of Texas. Since the gentleman quoted me a while ago, I just want to ask if he will yield for a question.

The SPEAKER. If the gentleman does not want to yield, he does not have to.

Mr. MOORE of Pennsylvania. I yield to the gentleman for a question, certainly.

Mr. DAVIS of Texas. I want to know, since the gentleman has quoted me, if he really thinks that the Democratic Party could be expected in three years to undo all the monopolies that the Republican Party has created in the last 10 years? [Applause.]

Mr. MOORE of Pennsylvania. Not after hearing the gentleman's speech, do I think I could convince the gentleman. But the gentleman from Texas did convince me as to this: The gentleman quoted liberally from the Bible, and the Democrats do not often do that. [Laughter on the Republican side.]

But, gentlemen, I was observing that the Democratic Party had got mixed up on its platform. Many of the pledges made in 1912 had utterly disappeared, because the judgment of the President was superior to those of Mr. Bryan and others who framed the platform. The first break was the failure to give free tolls through the Panama Canal.

The high cost of living was to have been reduced under a solemn pledge of the Democratic Party, but that pledge has not been lived up to; the cost of living has gone higher and higher and higher, and the people have had no relief. The Baltimore platform promised to relieve the people of burdens which it pretended the Republican Party had imposed through a pro-

fective tariff. The administration afforded no relief, but added to the burdens of the people by taking away their employment and imposing direct taxes in time of peace. It denounced the Republican Party for extravagance and pledged economy in Government expenditures. It has been more extravagant and more wasteful than any preceding administration in the history of the Nation.

In view of its vacillating policy and its proved incompetency to be useful, except as a party of obstruction, we may readily commit the second-term proposition to the arbitrament of the people, leaving them to decide whether in the future they will prefer to sustain a Republican protective tariff system, which encourages industry and stimulates business throughout the land, or whether they will again submit to the specious, platform-breaking, tax-creating, business-destroying methods of the party in power. The President's challenge is clear and explicit. It ought to be accepted instantly and with a cheerful Republican countenance. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement made by the governor of Texas, in which he charges that the Democratic administration at Washington has been a complete failure.

Mr. HENRY. What is the request?

Mr. MOORE of Pennsylvania. To publish a statement by your Gov. Colquitt, made a year ago.

Mr. HENRY. It is Gov. Ferguson now.

Mr. MOORE of Pennsylvania. Gov. Colquitt, while governor of the State, made a declaration which ought to be of interest to all Texans as it will be to the people of the United States. It relates to the utter incompetency of the Democratic administration at Washington and its failure to live up to any of its platform pledges.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The statement referred to above is as follows:

GOV. COLQUITT DECLARES PRESIDENT A FAILURE—EXECUTIVE OF LONE STAR STATE DENOUNCES MEN WHO ARE AT HEAD OF THE GOVERNMENT—MEXICAN POLICY ASSAILED.

[By O. B. Colquitt, governor of Texas.]

HOUSTON, TEX., December 26, 1914.

The Wilson administration has been the greatest failure in the history of the Presidency. The South is a land literally flowing with milk and honey; it has made one of the biggest and best crops in its history, and yet, because of the utter incompetence of the men in charge of the Government, its business is prostrated, its credit is impaired, and thousands of its people are starving.

The administration's tariff law was pledged to lower the cost of living, and it has had the contrary effect. By putting raw materials on the free list and keeping the protective tariff on manufactured goods, it has condemned American farmers by hundreds of thousands to penury and has enabled the manufacturers, getting their raw materials cheaper, to charge higher prices for their goods, which they have done. Hides were free-listed and shoes have gone higher. This is true of virtually every single item similarly treated in the administration tariff law. The American workman pays more for the finished product, and both are robbed to further enrich the protected manufacturing trusts and combines.

The administration's foreign policy has been imbecile. It has allowed England to dictate conditions as to cotton shipments to European countries that enabled the English spinners to rob the American cotton growers of half the value of their crop.

England stopped American shipments until the English spinners had bought their supply at 6½ cents a pound and stored it in Texas and other southern warehouses. Then England consented to declare cotton not contraband, and France followed suit a day or two later. Our Government weakly submitted to England's dictation, playing into the hands of the English spinners and betraying the American cotton growers as completely as if this country were an English vassal State.

If I had been President, I would have served notice on England's premier that our foreign trade in cotton and other noncontraband commodities was going forward with or without England's consent, and, if necessary, I would have sent American ironclads to England's door to enforce that notice.

The administration's repeal of the Panama Canal tolls exemption in violation of the party's national platform was another weak surrender to England. If free tolls for American ships had not been repealed, hundreds of American-owned ships flying a foreign flag would have come under the American flag to get the benefit of exemption and we would to-day have an American merchant marine competent to carry our goods to foreign markets. We have no such merchant marine, and to supply it the Wilson administration is proposing to spend the taxpayers' money buying a subsidized national shipping service.

"EGREGIOUS FAILURE" IN MEXICO.

The Wilson-Bryan management of the Mexican affair has been an egregious failure. They landed an American army in Vera Cruz to force Huerta to salute the flag and have brought it back without getting the salute. They now ask Congress to appropriate more than \$500,000 to pay the expenses of that ridiculous expedition. For what? What did it accomplish? It set all Mexico aflame against the Americans, not only in Mexico, but in Texas, where all along the north bank of the Rio Grande there are 10 Mexicans for 1 American.

It brought on a reign of terror all along the Texas border, so that when the Federal Government refused to afford protection for our people in their own State I was forced to send 1,200 Texas troops down there to give it. Mexican bandit gangs were crossing the border into Texas, raiding and terrorizing our scattered people. Women and children were huddled together in brick houses, menaced with murder and worse. My desk was flooded with telegrams from chambers of

commerce, bankers, stockmen, and other responsible citizens, praying for protection at points all along our 1,200-mile frontier.

The Federal Government had only 60 troopers at Brownsville to cover more than two-thirds of that long border. When I rushed the Texas State troops down there, stationing a company at each of the principal border towns, I instructed them not to cross the river nor in any way to violate the neutrality law, but at all costs to protect the lives and property of Texas people.

Secretary of War Garrison telegraphed me that he thought it unwise to have two military forces occupying the same territory under separate commanders, and suggested that I withdraw the State troops. I wired him that I would withdraw the Texas troops when he sent an equal number of United States Regulars to take their place. And I kept our men there until he did send an equal number of Regulars to replace them at every place where our men were stationed.

I understand they had everything prepared at Washington to have me indicted by a Federal grand jury and put in a Federal prison, on the assumption that I meant to invade Mexico—a palpable absurdity, which only men utterly ignorant of the situation could have entertained. It is a fact, which the country does not know, that when our Texas troops arrived in Brownsville the Mexican commander at Matamoros, across the river, offered to surrender that city to the commander of the troops of United States cavalrymen. The commander at Matamoros evidently believed the Texas troops meant to take his city and thought the United States troops were more friendly than the Texans. The Washington conception of our business on the border was as ridiculous as that of the Mexican commander.

CALLS IT ENCOURAGING BANDITS.

Wilson and Bryan have stood by encouraging one gang of bandits after another while people were being butchered all over Mexico, while the vast American interests in that country were being confiscated and shot to pieces, and to-day the Mexican chaos is worse than at any time since Madero was assassinated. Villa is the dictator of the country, and I understand that all he wants is to be chief of police of the City of Mexico, with control of the gambling concessions in the City of Mexico and Juarez.

Our Government has kept England and Germany from restoring order in Mexico, and has itself done nothing but contribute to the disorder and lawlessness by its vacillating "watching and waiting" policy—if it can be called a policy. The property interests of Mexico and the big American exploiters of Mexican resources have got control of the situation absolutely, and these same interests have got the ear of our Government at Washington.

ANTITRUST LAWS "FAKE."

The administration's antitrust laws are barefaced fakes, so far as protecting the people from trust oppression is concerned. These laws please nobody else so well as they do the Standard Oil, the Steel, and other great trusts.

I believed at first that the Federal reserve banking act was the administration's one meritorious achievement, but national bankers tell me it is going to prove a failure. The control of the system, in practice, appears to rest in New York City instead of in Washington.

I am fully convinced the national election of 1916 will end the Democratic régime. The policies of the Democratic national administration have wholly failed either to curb monopolies or to lower the cost of living for the people, and they have materially contributed to deprive millions of wage earners of employment. The administration valorized \$20,000,000,000 worth of corporate securities owned in the North and East by a Treasury Department order to national banks to loan money on listed securities at not less than the closing quotations of July 30, 1914.

But the same administration, when asked to allow the people to use a quarter of a billion dollars of their collective credit for two or three years to save them from losing \$500,000,000 on their cotton crop, regarded valorization as violative of sound government.

The President stood in the road and condemned the South, which made him, to heavier loss and more widespread misery than it has known in three generations. He vindicated an obsolete theory of political economy, but he might have ruined the country doing it.

I raised among my personal friends in Texas more than \$10,000 for the Wilson campaign fund, and the only favor I asked of him was that he appoint men who would aid the Texas State government to enforce law and order along the Mexican border. It was my earnest desire to assist in making the Democratic national administration a success, but I would not sacrifice the honor of my State nor the welfare of her people to win the favor of any administration.

At no time have I failed to get courteous treatment from the leaders of the Mexican revolution. I sympathize with the Mexican people, but I also sympathize with Americans who have property rights in Mexico that ought to have been protected.

UNITED STATES DISTRICT COURT IN IOWA.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 73, and of the Senate bill which is practically of the same tenor, and I ask that it be considered immediately.

Mr. FERRIS. Reserving the right to object, what bill is it?

Mr. WEBB. It is a bill to change the time for holding court in some of the districts in Iowa.

Mr. MANN. Reserving the right to object, I notice that the Senate bill makes a very marked change from the House bill, and I think the gentleman ought to let it go to the committee and be reported back.

Mr. WEBB. I will state that I consulted two gentlemen from Iowa mainly interested in it, Mr. Good and Mr. Towner, and they had no objection to the present consideration of the Senate bill in connection with the House bill.

Mr. MANN. I understand that, but still I think we ought to have the opinion of the committee on a matter involved in the bill where the Senate and the House differ.

Mr. WEBB. The Senate bill takes Johnson County out of the northern district and puts it in the southern. Those matters are generally left to the delegation of the State, and I called it up at the suggestion of the gentlemen from Iowa, Mr. Towner and Mr. Good.

Mr. MANN. The question involved in it is whether Congress can transfer a county from one district to another for the sole pleasure of a man who has just been lucky enough to be appointed judge of that court.

Mr. WEBB. That is true, but I want to say that that particular county for many years was in the southern district where it is now sought to be placed again.

The SPEAKER. Upon what does the gentleman from Illinois claim that the bill ought to go to the committee? Are the House and Senate bills different?

Mr. MANN. The House and the Senate bill are very different.

The SPEAKER. The gentleman from Illinois objects, and the bill is referred to the Committee on the Judiciary.

Mr. WEBB. That is entirely satisfactory to me.

COAL AND OIL LEASES.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CULLOR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read the bill by title.

Mr. HAYDEN. Mr. Chairman, I do not intend to speak upon the terms of the pending measure. The bill speaks for itself. I have, however, thought it important to discuss the general principles upon which this legislation is based, because it has been charged that this bill is in violation of the moral, legal, equitable, and constitutional rights of the Western States.

Does the United States own the public lands in the Western States and has Congress the same power to sell, to lease, or to reserve these lands as any other private proprietor who may own lands within these States? A majority of your Committee on the Public Lands has answered this question in the affirmative, for without reaching such a conclusion it would have been impossible to have reported this bill in its present form. When we agree that the United States holds the public lands as owner, then there is a logical reason for every provision in this measure.

A minority of the committee believe that the United States holds these lands not as owner but as trustee. The minority report says:

It is true that the legal title to the public domain rests in the United States, but that title is simply held in trust with the ultimate object that it shall be transferred to the people who will develop it, and thereby make possible the creation of or the maintenance of independent States of the Union. It was said in *Shively v. Bowlby* (152 U. S., 1, 49): "The territory is held by the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of that territory."

To prove this contention the minority report refers to the terms of the cession to the United States of the western lands belonging to Virginia and the others of the original thirteen States. Prior to the adoption of the Articles of Confederation certain of the States, including Maryland and New Jersey, six in all, insisted that the western lands claimed by the remaining seven States of the Confederation ought to be handled for the general good of the entire Confederation and not retained and disposed of by the individual States alleging ownership thereof. The matter was formally laid before Congress by the State of Delaware February 23, 1779; by the State of Maryland May 21, 1779. New York, claiming 202,187 acres, was the first to respond, her delegates on March 7, 1780, presenting an act proposing to relinquish the lands claimed by her in the West—

with respect to the jurisdiction as well as the right or preemption of sale, or the right or preemption of sale only, shall be and inure for the use and benefit of such of the United States as shall become members of the Federal alliance of the said States and for no other use or purpose whatever.

On receipt of this document the Congress of the Confederation adopted a resolution providing—

that the unappropriated lands which may be ceded or relinquished to the United States by any particular State * * * shall be disposed of for the common benefit of the United States * * * that the lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled or any nine or more of them.

Thereafter, and in compliance with the resolution, the following States made cessions of their territory in the West to the United States: New York, March 1, 1781; Virginia, March 1, 1784; Massachusetts, April 19, 1785; Connecticut, September 13, 1786, and May 30, 1800; South Carolina, August 9, 1787; North Carolina, February 25, 1790; Georgia, April 24, 1802.

The lands so ceded involved a total of 259,171,780 acres of land, extending as far south as the Gulf of Mexico, as far west as the Mississippi River, and as far north as the Great Lakes.

A decision of the Supreme Court, rendered in 1845, is quoted to show that the transaction between the United States and the original States constituted a contract and created a trust under which the United States secured control of the public lands, and that the United States holds the public lands for temporary purposes only and in trust for the States wherein they lie.

Allow me to read from the minority report:

In the case of *Pollard's Lessee v. Hagan* (3 How., 212) the Supreme Court of the United States with great learning discusses these contracts between the several States and the United States and the meaning and force of the constitutional provisions thereafter passed. It is there declared as to the Government lands within such States that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to their territory, or in and to the territory of any of the new States, excepting the right over them of executing the trust, which trust was to provide for their disposition by cessions or sale. It is further held that every new State comes into the Union upon terms of equality with all other States, and such an equality can not exist if in any one State it exercises sovereign powers over the lands, while in another it has disposed of such lands, or in the execution of its trust must dispose of them. In *Coyle v. Smith* (221 U. S., 559) these doctrines are reasserted and affirmed, and the power of the United States to pass any law which will create inequality between the States has repeatedly by the Supreme Court of the United States itself been declared to be void and of no effect. (*New Orleans v. De Armas*, 9 Pet., 224; *Groves v. Slaughter*, 15 Pet., 449; *Illinois Central R. R. v. Illinois*, 146 U. S., 387; *United States v. McBratney*, 104 U. S., 621; *Hardin v. Shedd*, 190 U. S., 508; *United States v. Winans*, 198 U. S., 371.)

The conclusion reached in most of these cases is based upon the fact that the deeds from Virginia and all but two of the States that ceded their lands to the United States provided that these lands should be erected into new States that should be equal in every respect to the original States. It is, therefore, argued that until the public lands are disposed of, the new States are not on a footing of equality with the original States. This is the basis for the demand made by certain western governors that the public lands must be transferred to the States wherein they are located.

Unfortunately for the minority there is another line of decisions by the Supreme Court which hold that the United States owns the public lands.

By the act of Congress of March 3, 1807, Congress authorized the President to lease lead mines in Indiana Territory for terms not exceeding five years. In the case of the *United States v. Gratiot et al.* (14 Pet., 526) it was contended that Congress had no power to authorize leases of public lands and obtain profits from working mines; that Congress can not delegate the power to lease public lands. The Supreme Court, in substance, held that the power over the public lands is vested in Congress by the Constitution, without limitation; that the words "dispose of" the public lands, used in the Constitution, can not, under the decisions of the Supreme Court, receive any other construction than that Congress has power to authorize the leasing of lead mines in the public lands in the Territories of the United States. The court further states that the State of Illinois subsequently created out of a part of the Territory involved, "can not claim a right to the public lands within her limits. It has been the policy of the Government at all times, in disposing of the public lands, to reserve the mines for the use of the United States, and their real value can not be ascertained without causing them to be explored and worked under proper regulations."

In the case of *Light v. United States* (220 U. S. Rep., 536), the Supreme Court said:

* * * The Nation is an owner, and has made Congress the principal agent to dispose of its property. * * * Congress is the body to which is given the power to determine the conditions upon which the public lands shall be disposed of. (*Butte City Water Co. v. Baker*, 196 U. S., 126.) The Government has with respect to its own land the rights of an ordinary proprietor to maintain its possession and prosecute trespassers. It may deal with such lands precisely as an ordinary individual may deal with his farming property. It may sell or withhold them from sale. (*Camfield v. United States*, 167 U. S., 524.) And if it may withhold from sale and settlement, it may also as an owner object to its property being used for grazing purposes, for "the Government is charged with the duty and clothed with the power to protect the public domain from trespass and unlawful appropriations." (*United States v. Beebe*, 127 U. S., 342.)

The United States can prohibit absolutely or fix the terms on which its property may be used. As it can withhold or reserve the land, it can do so indefinitely. (*Stearns v. Minnesota*, 179 U. S., 243.) It is true that the "United States do not and can not hold property as a monarch may for private or personal purposes." (*Van Brocklin v. Tennessee*, 117 U. S., 158.) But that does not lead to the conclusions that it is without the rights incident to ownership, for the Constitution declares, section 3, Article IV, that "Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or the property belonging to the United States." The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. (*Kansas v. Colorado*, 206 U. S., 89.)

All the public lands of the Nation are held in trust for the people of the whole country. (United States v. Trinidad Coal Co., 137 U. S., 100.) And it is not for the courts to say how that trust shall be administered. That is for Congress to determine. The courts can not compel it to set aside the lands for settlement, or to suffer them to be used for agricultural or grazing purposes, nor interfere when, in the exercise of its discretion, Congress establishes a forest reserve for what it decides to be national and public purposes. In the same way and in the exercise of the same trust it may establish a reserve and devote the property to some other national and public purpose. These are rights incident to proprietorship, to say nothing of the power of the United States as a sovereign over the property belonging to it.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. SLOAN. I desire to ask a question purely for information. The gentleman says that the Congress has not the full power of control or ownership that a monarch would have under other forms of government. Does the United States have any less dominion or power or right of ownership over the public lands than a monarch would have in another country?

Mr. HAYDEN. I was quoting from a decision of the Supreme Court of the United States, where that statement is made. In another case the court said that the statement that the United States do not and can not hold property as a monarch may, for private or personal purposes, does not lead to the conclusion that it is not without the rights incident to ownership, for the Constitution declares that Congress shall have the power to dispose of the public lands.

Mr. SLOAN. Is there any power over land owned by the Government that the Government can not exercise, either to alienate it in any way or to use it or cultivate it under the direction of its servants?

Mr. HAYDEN. According to one line of decisions of the Supreme Court of the United States, the question asked by the gentleman is answered in the affirmative. On the other hand, there is another line of decisions inconsistent with the cases that I have just mentioned in which the court holds that the United States can not use its lands for purposes which would create inequality among the States.

Both the majority and the minority of the Public Lands Committee are therefore at liberty to quote our highest tribunal in support of their views and with equal vehemence to urge that the Supreme Court is with them.

As a Representative from Arizona, however, I do not have to read the contradictory decisions of the Supreme Court to find out whether or not the United States owns the public lands that are within the boundaries of my State. Congress and the people of Arizona have entered into an agreement which settles that question forever. The enabling act, under which Arizona was admitted into the Union "on an equal footing with the original States," provides that the people of the State shall agree to forever disclaim all right and title to the public lands. Congress passed this act, and the people of Arizona adopted an irrevocable ordinance as a part of their constitution which is as follows:

The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that, until the title of such Indian or Indian tribes shall have been extinguished, the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States.

The proclamation of the President declaring the admission of Arizona as a State was dated February 14, 1912. I am advised by the Director of the United States Geological Survey that prior to that date the following power-site reserves were created for the purpose of retaining lands valuable for water power in public ownership:

	Acres.
Approved Dec. 9, 1909, Gila River station.....	15,220
Approved Dec. 30, 1909, Bill Williams River station.....	67,270
Approved Jan. 6, 1910, Hassayampa River station.....	1,800
Approved Jan. 7, 1910, Little Colorado River station.....	27,810
Approved Apr. 15, 1911, Salt River station.....	96,000
Approved June 16, 1911, Hassayampa River, No. 2, station.....	10,000

Portions of these withdrawals have since been eliminated as not being necessary to the development of water power, and other withdrawals have been made from time to time, so that the total area now outstanding is 355,791 acres.

With respect to water-power sites, the enabling act provided that—

There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water powers or power for hydroelectric use or transmission and which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State; and no lands so reserved and excepted shall be subject to any disposition whatsoever by said State, and any conveyance or transfer of such land by said State or any

officer thereof shall be absolutely null and void within the period above named.

On February 14, 1912, the following areas in Arizona were included in outstanding withdrawals for the purpose of retaining mineral deposits in the ownership of the United States:

	Acres.
Coal.....	118,718
Oil.....	230,400

On the date of the admission of Arizona "into the Union on an equal footing with the original States" national forest reserves had been created covering an area of 13,339,390 acres of land within my State. The dates of the presidential proclamations creating these forests are as follows:

DATES OF CREATION OF FORESTS.

Grand Canyon, February 20, 1893.
 Prescott, May 10, 1898.
 San Francisco Mountains, August 17, 1898.
 Santa Rita, April 11, 1902.
 Santa Catalina, July 2, 1902.
 Mount Graham, July 22, 1902.
 Chiricahua, July 30, 1902.
 Tonto, October 3, 1905.
 Babquivari, November 5, 1906.
 Huachuca, November 6, 1906.
 Tumacacori, November 7, 1906.
 Dragoon, May 25, 1907.
 Dixie, May 22, 1908.
 Zuni, March 2, 1909.
 The Apache and Sitgreaves National Forests were created July 1, 1908, from parts of the San Francisco Mountains Forest.
 The Coconino National Forest was created July 2, 1908, from parts of the San Francisco Mountains National Forest.
 The Coronado National Forest was created July 2, 1908, by a consolidation of the Santa Rita, Santa Catalina, Babquivari, Huachuca, Tumacacori, and Dragoon National Forests.
 The Crook National Forest was created July 1, 1908, from portions of the Tonto and Mount Graham Forests.
 The Kaibab National Forest was created July 2, 1908, from a portion of the Grand Canyon National Forest, with some additional areas.
 The Tusayan National Forest was created July 28, 1910, from portions of the San Francisco Mountains Forest and the Grand Canyon Forest.
 Indian reservations had also been established covering over one-quarter of the areas of Arizona at the time of statehood, as shown by the following table:

Indian reservation.	Area in acres.	Date of treaty, law, or Executive order establishing reserve.
Camp McDowell.....	24,971	Executive order, Sept. 15, 1903.
Colorado River.....	235,570	Act of Mar. 3, 1865.
Fort Apache.....	1,681,920	Executive order, Nov. 9, 1871.
Fort Mojave.....	31,328	Executive order, Dec. 1, 1910.
Gila Bend.....	10,231	Executive order, Dec. 12, 1882.
Gila River.....	366,309	Act of Feb. 28, 1859.
Havasupai.....	518	Executive order, June 8, 1880.
Hopi.....	2,472,320	Executive order, Dec. 16, 1882.
Kaibab.....	138,240	Secretary's withdrawal, Oct. 15, 1907.
Navajo.....	11,887,793	Treaty of June 1, 1868.
Papago.....	114,348	Executive order, July 1, 1874.
Salt River.....	22,317	Executive order, June 14, 1873.
San Carlos.....	1,834,240	Executive order, Nov. 9, 1871.
Walapai.....	730,940	Executive order, Jan. 4, 1883.
Total.....	19,551,045	

National monuments had been created, which included over 800,000 acres, as follows:

Name.	Date created.	Area.
		Acres.
Grand Canyon.....	Jan. 11, 1908	806,400
Montezuma Castle.....	Dec. 8, 1906	160
Navajo.....	Mar. 20, 1909	360
Tonto.....	Dec. 19, 1907	640
Tumacacori.....	Sept. 15, 1908	10
Petrified Forest.....	July 31, 1911	25,625
Total.....		833,195

The unappropriated and unreserved public lands of the United States aggregated 40,595,723 acres on June 30, 1912.

I have set forth these figures to show the status of the lands under the ownership and control of the Federal Government at the time when Arizona became a State in order that it might be perfectly clear that practically all of the withdrawals, re-

serves, and reservations that now exist in Arizona were made while we were yet under a Territorial form of government. I trust that no one will dispute that Congress can do as it sees fit with the public lands in the Territories, because the Supreme Court, in the case of the United States against Gratiot, above cited, has said:

The law of 1807, authorizing the leasing of lead mines, was passed before Illinois was organized as a State, and she can not now complain of any disposition or regulation of the lead mines previously made by Congress.

The existence of all these reserves and their nature was well known to the people of Arizona when they asked for admission into the Union. I have read the hearings before the Committee on the Territories, and no mention was made by anyone from Arizona that the people of the proposed State denied, or would deny, that the United States owned these lands and had a right to reserve or withdraw them from entry and sale. The then Delegate in Congress from Arizona made no protest against the inclusion in the enabling act of the article relating to the public lands which I read a few moments ago.

It may be true that Colorado and California, having been admitted to the Union before the establishment of the present policy of forest reserves and withdrawals for water power, coal, oil, gas, and so forth, have a right to complain against these methods of conserving the natural resources of the Nation. I do not criticize the legislatures of these States for passing resolutions such as have been incorporated in the minority report, because I know that they were adopted in the honest belief that this bill violates the legal and constitutional rights of the Western States. The Legislatures of Arizona, however, have never given expression to any such claim.

Just what is meant by the words in the enabling act admitting new States "into the Union on an equal footing with the original States"? A State is not land. Rhode Island can never be on an equal footing with Arizona in this respect. A State is the people who live on a certain area of land. The proof of this is that there never would have been a State of Arizona if the American people had not settled there. The land in Arizona lay as it is for ages. It was the same land; the same sun shone on it; the same winds blew over it; but there were no American people living on it, so that there could not be an American State. It made no difference to the land who owned it then or who owns it now, but it did make a difference to the people of Arizona when they accepted the enabling act and became a State in this Union. By the act of admission, as a people, they were given every political right, advantage, and immunity enjoyed by the people of any other State under the Constitution of the United States, and it is therefore true that as a State they are on an "equal footing" with the original States.

The enabling act contains, in theory, another limitation on the sovereignty of the State of Arizona. Do you know that the people of my State were actually required to acquiesce in the right and power of the United States to carry out the provisions of the reclamation act "to the same extent as if said State had remained a Territory"? We can never be on an "equal footing" with Illinois or Texas, because these States were not required to do anything so humiliating as that in order to be admitted into the Union. But, strange as it may seem, my people do not feel degraded by reason of their acceptance of this requirement of admission. Upon the contrary, they rejoice that under the reclamation act the desert no longer encroaches upon two of the fairest and richest irrigated valleys that are to be found on this continent.

In my opinion, the United States had the right to retain title permanently to all the lands in the West. As a matter of law, States could have been admitted into the Union where the citizens did not have a fee simple title to a square foot of land and where every man was a tenant of the United States. We all know that a tenant citizenry is most undesirable, and it is for this reason that Congress passed the homestead laws. Our homestead system has been demonstrated to be the best policy, but as a matter of legal right no such policy need ever have been adopted; and the proof of this lies in the fact that the first homestead law was not passed until over a half a century after the adoption of the Constitution.

It is an accepted truth that agricultural tenants make poor citizens. We advocate the homestead policy, not that we deny the right of the United States to refuse to sell its agricultural lands, but because we know that a nation of home owners, with a stake in the country, is more desirable than a tenantry, no matter how benevolent the landlord may be.

It is my solemn judgment that the homestead laws have done more than any other single cause to induce stability and order

in our Government. If we had been cursed with a system of land laws such as have been upon the statute books of Mexico, revolutions would have been as frequent north of the Rio Grande as they are south of that historic stream. It is in the mind of the landless man with no home to lose that thoughts of revolution find lodgment. As long as there is an acre of public land suitable for home building it should be given without money and without price to any citizen who will live upon and use it beneficially.

While it is true that by becoming the owner of his own home a man becomes a better citizen, a supporter of law and order, and a believer in the protection of the rights of property, yet it is equally true that when any man becomes the owner of a natural monopoly, like water power, or coal, or oil, or gas, his ability to oppress his fellow men by enriching himself at their expense makes him an undesirable citizen. The farmer who breaks the raw land adds something to the wealth of the world and practices extortion on nobody. The owner of an unregulated natural monopoly likewise adds something to the wealth of the world, but unlike the farmer he has it in his power to take unto himself more than his fair share of the wealth that his industry and foresight has created.

I deny that this bill and the water-power bill are the first steps in the direction of leasing the public lands suitable for agricultural purposes. I know that it is not the intention of your committee nor of this Congress to in any way interfere with the orderly disposal of the public lands suitable for entry under the homestead laws. Upon the contrary, the Committee on the Public Lands has favorably reported a 640-acre grazing homestead bill that is more liberal in its provisions than any similar measure ever enacted into law. This bill is now on the calendar of the House, and I am confident that it will receive the support of the great majority of the membership of this body whenever it is placed upon its passage.

We have, however, recognized the essential difference between lands suitable for agriculture and lands valuable for water power, coal, oil, gas, sodium, potassium, or phosphates. We are agreed that the title to all agricultural lands should pass into private ownership as soon as possible under the homestead laws, but we believe that in order to prevent monopoly title should remain in the United States for lands containing water-power sites or nonmetalliferous minerals. This bill and the water-power bill that has just passed the House have therefore provided for a leasing system covering lands of the character that I have just mentioned.

In the hearings on the water-power bill the following table is printed showing the approximate amount of water power available in the power-site reserves in Arizona.

Stream.	Minimum horse-power.	Horse-power with storage.
Little Colorado River.....	1,000	2,600
Bill Williams River.....	1,000	12,000
Gila River.....	1,500	4,500
San Francisco River.....	200	1,200
Salt River.....	18,000	60,000
Hassayampa River.....	550	2,600
Colorado River.....	44,000	100,000
Approximate total.....	66,000	183,000

The chairman of the Committee on the Public Lands, Mr. FERRIS, in his remarks the other day printed a table showing the potential water-power resources of the several States, in which it appears that in Arizona it may be possible to in time develop 1,698,000 horsepower.

Under existing law this great store of energy has not and can not be developed. I want to see something done with this and the other great natural resources of Arizona during the lifetime of the present generation. Let us therefore be practical. Why stop to argue whether one State is on an "equal footing" with another, when we have solemnly agreed, with respect to the public lands within the borders of Arizona, that we have waived our rights and claim no interest in them? It is high time that we recognize this fact, and then proceed to formulate a policy that will make the public lands available for the highest use. I know that the people of Arizona have not the slightest intention of attempting to repudiate the solemn and irrevocable agreement into which they have entered. They admit that the public lands in Arizona are owned by the United States. That is all past, settled, and done, and now there is other work to do. We know that the water power, the coal, the oil, the gas, and the other mineral resources on the public domain have been

locked up. Yes, for over eight long years Congress has locked them up and thrown away the key. We want the door of development opened, and this bill does that very thing. It makes available for use a storehouse of wealth that is essential to the prosperity of every one of the public-land States. It encourages the investments of capital in these enterprises and at the same time prevents monopoly. It is this kind of a law that will in reality place Arizona and the other Western States on an "equal footing" with the original States by promoting the prosperity of her citizens. Who wants to trade a living reality for a dead theory? [Applause.]

I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. Elston].

Mr. ELSTON. Mr. Chairman, I believe that the people of California are overwhelmingly in favor of the principles embodied in the leasing bill under consideration and in the Ferris power-site bill which passed the House the other day.

The Legislature of California passed in 1913 a water conservation act similar in principle to the Ferris bills. It has applied conservation to the human resources of the State by enacting laws to promote human welfare and to relieve the people from economic injustice. We have recently enacted child-labor laws, a workmen's compensation act, an eight-hour law for women, and similar enlightened measures. We have on our statute books the best public-utilities act in the country, whose operation is saving the people \$6,000,000 a year. Our "blue-sky" law, which regulates the issue of stocks and securities by private corporations, has the support and approval of the most conservative financial interests in the State. I am speaking advisedly when I say that there is now practically no opposition to these various laws, and that no one can point to any public detriment arising from their operation. There is universal agreement as to their good effect.

All of these acts are in harmony with the spirit of the Ferris bills. In expressing my approval of the Ferris bills I feel, therefore, that I am voicing the sentiments of the people of California, as disclosed in the spirit of their recent legislation.

The present measures were designed by Secretary Lane and by able sponsors in the House to conserve and develop our national resources as prudent men would conserve and develop their private properties. In these matters the Government is at last applying ordinary business judgment. Water-power sites, coal, gas, oil, and the like are too valuable, too concentrated and limited in distribution, to pass to the first comer at a nominal price as we have passed our agricultural and grazing lands.

If California had earlier acted with the foresight displayed in the Ferris bills, she would now be receiving a revenue from the exploitation of her natural resources that would go far toward supporting the expenses of the State government.

For instance, with the exception of the greater part of the San Francisco Harbor front and small portions of the water fronts of other California cities where partial municipal control or ownership has been acquired after years of litigation, all of the land in the State capable of development for navigation purposes is now in the hands of private persons. It was alienated in lots as high as 320 acres, at a nominal price per acre, through patent from the State under our tide-land act. The State permitted its sale upon the theory that it was capable of agricultural reclamation. A great part of it is never uncovered at the lowest tide. Very little of it has ever been put to agricultural or any other use. The greater part of it had, at the time of its alienation, and now has, only a use and value for purposes of navigation. When the city of Berkeley put its municipal wharf a mile into San Francisco Bay, it was compelled to buy the whole right of way at a price of about \$1,500 per acre from the grantee of persons who had acquired it from the State at \$1.25 per acre as land capable of agricultural reclamation.

Some of the objections to the Ferris bills have a very familiar ring. The same argument has been invoked in our State legislatures when the interests of the State have clashed with the self-interest of a county or city. Our richest and most populous center has more than once claimed that it was unfair for it to contribute in taxes a third of the State revenues and to receive in State expenditures far less than this fractional amount. It contended that the revenues or property taken from it constituted a trust fund for its benefit. What would the opposing gentlemen here say to the State of New York if she invoked such reasoning at this time in respect of the Federal income tax collected within her borders? What would they say if the argument were made that the Federal Government should spend in each Western State only such Federal moneys as were collected from that State?

We have learned a great deal in the last few years. Never again will our State sell for a song rights or properties of great potential value capable of being used for all time as a monopoly. No modern municipality now disposes of its franchises in the old haphazard, spendthrift way. It is high time that the Federal Government should abandon such wasteful practices. [Applause.]

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and had come to no resolution thereon.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill H. R. 406, which we have just been considering, the oil and gas leasing bill, be made privileged for the balance of this week, retaining all rights with reference to Calendar Wednesday, and that general debate on the bill be limited to six hours, one half to be controlled by the gentleman from Wisconsin [Mr. LENROOT] and the other half by myself.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill H. R. 406 shall have a privileged status during the rest of the week, not affecting the rights on Calendar Wednesday, and that general debate shall be limited to six hours, to be controlled one-half by the gentleman from Wisconsin [Mr. LENROOT] and one-half by the gentleman from Oklahoma [Mr. FERRIS]. Is there objection?

There was no objection.

GRAIN GAMBLERS AND THE FARMERS.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Hon. J. E. Kelley, of Pierre, S. Dak., on grain gamblers and the farmers.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2409) to authorize the Ohio-West Virginia Bridge Co. to construct a bridge across the Ohio River at the city of Steubenville, Jefferson County, Ohio.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 12, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report of the Chief of Engineers on condition of the Aqueduct Bridge, Washington, D. C. (H. Doc. No. 539), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARNHART, from the Committee on Printing, to which was referred the bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported the same without amendment, accompanied by a report (No. 32), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, reported the same with amendment, accompanied by a report (No. 35), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7611) authorizing the Seaboard Air Line Railway Co., a corporation, to construct, maintain, and operate a bridge or bridges and approaches thereto across what is known as Back River, a part of the

Savannah River, at a point between Jasper County, S. C., and Chatham County, Ga., reported the same with amendment, accompanied by a report (No. 33), which said bill and report were referred to the House Calendar.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 4678) incorporating the American Academy of Arts and Letters, reported the same with amendment, accompanied by a report (No. 34), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1797) granting an increase of pension to Addison M. Zoll; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1924) granting an increase of pension to John F. Thomas; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5918) granting a pension to Emma R. Walters; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7818) granting a pension to Jacob Kuhn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2780) granting a pension to Martin Laughlin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4345) granting an increase of pension to Elizabeth H. Brayton; Committee on Invalid Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3014) granting a pension to Alexander Frazier; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARTER of Massachusetts: A bill (H. R. 8645) for the erection of a Federal building for the United States post office at Framingham, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. BACHARACH: A bill (H. R. 8646) to increase the limit of cost of post-office site and building at Millville, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. WHALEY: A bill (H. R. 8647) to authorize one-half of the water of the Santee River to be diverted and flowed into the Cooper River for the purpose of maintaining a canal connecting these two rivers; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8648) providing for a survey of Ashley River, S. C.; to the Committee on Rivers and Harbors.

By Mr. Sisson: A bill (H. R. 8649) to simplify procedure in the equity courts of the United States; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 8650) to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia"; to the Committee on the District of Columbia.

Also, a bill (H. R. 8651) to simplify procedure in the law courts of the United States; to the Committee on the Judiciary.

By Mr. WEBB: A bill (H. R. 8652) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

By Mr. BRITT: A bill (H. R. 8653) to reduce the rate of postage on first-class mail matter mailed for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: A bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

Also, a bill (H. R. 8655) giving a new right of homestead entry to former homesteaders; to the Committee on the Public Lands.

By Mr. WOOD of Indiana: A bill (H. R. 8656) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: A bill (H. R. 8657) to grant Saturday afternoon as a holiday to all Government employees; to the Committee on Reform in the Civil Service.

By Mr. SHERLEY: A bill (H. R. 8658) to amend section 953 of the Revised Statutes of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 8659) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. CLARK of Florida (by request): A bill (H. R. 8660) to provide for the creation of a police and firemen's relief fund of the District of Columbia, to provide for the relief and retirement of members of the police and fire departments of said District, to establish a method of procedure for such relief and retirement, and for other purposes; to the Committee on the District of Columbia.

By Mr. KENT: A bill (H. R. 8661) to establish a National Park Service; to the Committee on Appropriations.

By Mr. MATTHEWS: A bill (H. R. 8662) for the erection of a public building at Napoleon, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. SAUNDERS: A bill (H. R. 8663) to provide that the United States shall aid the States in the construction and maintenance of rural post roads; to the Committee on Roads.

By Mr. BARNHART: A bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee of the Whole House on the state of the Union.

By Mr. TAVENNER: A bill (H. R. 8665) to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. FAIRCHILD: A bill (H. R. 8666) to acquire a site for a public building at Walton, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. CANDLER of Mississippi: A bill (H. R. 8667) making an appropriation for the improvement of the Tombigbee River in the State of Mississippi and the State of Alabama; to the Committee on Rivers and Harbors.

By Mr. KENT: A bill (H. R. 8668) to establish a National Park Service; to the Committee on the Public Lands.

By Mr. JOHNSON of South Dakota: A bill (H. R. 8669) authorizing the Secretary of the Interior to continue lease of land in Stanley County, S. Dak., for a buffalo pasture; to the Committee on the Public Lands.

By Mr. SNELL: A bill (H. R. 8670) for the purchase of a site and the erection of a public building at Port Henry, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8671) for the purchase of a site and the erection thereon of a public building at Potsdam, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: A bill (H. R. 8672) to provide for an extension and enlargement of the Federal building at Logan, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8673) to establish a mining experiment station at Salt Lake City, Utah; to the Committee on Mines and Mining.

Also, a bill (H. R. 8674) making an appropriation for the destruction of predatory animals; to the Committee on Agriculture.

By Mr. LIEB: A bill (H. R. 8675) for the erection of a complete plant for the manufacture of armor plate in the city of Evansville, Ind.; to the Committee on Naval Affairs.

By Mr. DILL: A bill (H. R. 8676) for an appropriation of \$105,000 to purchase water rights within the West Okanogan Valley irrigation district, and for other purposes; to the Committee on Indian Affairs.

By Mr. VAN DYKE: A bill (H. R. 8677) to prevent the use of a stop-watch or time-measuring device or system in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. ADAIR (by request): A bill (H. R. 8678) to create an executive Department of Peace; to the Committee on Foreign Affairs.

By Mr. CLARK of Florida: A bill (H. R. 8679) to fix an import duty on Egyptian, Peruvian, and other long-staple cotton imported into the United States; to the Committee on Ways and Means.

By Mr. SHACKLEFORD: A bill (H. R. 8680) for the extension, remodeling, and improvement of the public building at Columbia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. DOREMUS: A bill (H. R. 8681) forbidding the importation, exportation, or the carriage in interstate commerce of watchcases made, in whole or in part, of an inferior metal having deposited or plated thereon, or brazed or otherwise affixed thereto, platings, coverings, or sheets composed of gold or of an alloy thereof bearing words or marks importing a guaranty of wear for a specified time, and of watchcases of less than 9 carat

bearing the word "gold," and of watch movements not properly marked in respect to the number of their jewels and their adjustment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER of Mississippi: A bill (H. R. 8682) to prevent the sale of intoxicating liquors in any ship, naval station, or building used, controlled, or owned by the United States Government; to the Committee on Alcoholic Liquor Traffic.

By Mr. TALBOTT: A bill (H. R. 8683) to authorize a preliminary examination and survey of the harbor of Havre de Grace, Md.; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of South Dakota: A bill (H. R. 8684) to amend section 3224 of the Revised Statutes of the United States, prohibiting any Federal court from enjoining the collection of any tax; to the Committee on the Judiciary.

By Mr. WHALEY: A bill (H. R. 8685) to acquire by purchase, condemnation, or otherwise additional land for fortification purposes at Fort Moultrie, on Sullivan's Island, S. C.; to the Committee on Appropriations.

Also, a bill (H. R. 8686) for the improvement of the harbor of Charleston, S. C.; to the Committee on Rivers and Harbors.

By Mr. POU: A bill (H. R. 8687) to authorize the payment of an indemnity to the Norwegian Government for the detention of three subjects of Norway in Hudson County, N. J.; to the Committee on Foreign Affairs.

By Mr. LIEBEL: Resolution (H. Res. 87) to print 1,000 additional copies of the reconnaissance survey of northwestern Pennsylvania for use in the House document room; to the Committee on Printing.

Also, resolution (H. Res. 88) to print 1,000 additional copies of the soil survey of Erie County, Pa., for use in the House document room; to the Committee on Printing.

By Mr. PADGETT: Joint resolution (H. J. Res. 95) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilan, a citizen of Cuba; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERCROMBIE: A bill (H. R. 8688) for the relief of the estate of Joseph P. Doyle; to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 8689) granting an increase of pension to Eliza S. Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8690) granting a pension to Francis M. Brown; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 8691) granting a pension to Margaret C. Hupp; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 8692) granting an increase of pension to Elihu G. Grinstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8693) granting an increase of pension to Eli C. Wilson; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 8694) granting an increase of pension to Ida C. Wilcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8695) granting an increase of pension to George B. Coe; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 8696) for the relief of William E. Culin; to the Committee on Military Affairs.

By Mr. BUCHANAN of Texas: A bill (H. R. 8697) for the relief of Internal Revenue Collector A. S. Walker; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 8698) for the relief of William W. Danenhower; to the Committee on Claims.

By Mr. CANDLER of Mississippi: A bill (H. R. 8699) granting an increase of pension to Thomas B. McClane; to the Committee on Invalid Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 8700) for the relief of Carl G. Lindstrom; to the Committee on Claims.

Also, a bill (H. R. 8701) for the relief of Gustaf A. Oakland; to the Committee on Claims.

By Mr. CLARK of Florida: A bill (H. R. 8702) for the relief of the estate of L. M. Scarborough; to the Committee on Claims.

By Mr. COOPER of West Virginia: A bill (H. R. 8703) for the relief of Pleasant Williams; to the Committee on Claims.

By Mr. CURRY: A bill (H. R. 8704) granting a pension to Edward Coffey; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 8705) granting an increase of pension to John L. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8706) granting a pension to Melissa A. Crites; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 8707) granting an increase of pension to Martha A. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8708) granting an increase of pension to Theodore B. Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8709) granting an increase of pension to George Summers; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 8710) granting an increase of pension to Harriet E. Hallenbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8711) granting an increase of pension to Elie Jones Quinby; to the Committee on Pensions.

Also, a bill (H. R. 8712) granting an increase of pension to Mary Y. Tarbox; to the Committee on Pensions.

Also, a bill (H. R. 8713) granting an increase of pension to Julia M. Potter; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 8714) granting an increase of pension to Peter F. Weasel; to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 8715) granting a pension to Samuel Armistead; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 8716) for the relief of John W. Yocum; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 8717) granting a pension to James T. Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8718) granting a pension to David N. Denind; to the Committee on Pensions.

Also, a bill (H. R. 8719) for the relief of George W. Ransdell; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 8720) granting an increase of pension to Robert V. Horton; to the Committee on Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 8721) granting a pension to William E. Warren; to the Committee on Pensions.

Also, a bill (H. R. 8722) granting a pension to Louise (Jones) Nesmith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8723) granting an increase of pension to John A. Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8724) granting an increase of pension to Joseph McNeight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8725) granting an increase of pension to Levi E. Morey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8726) granting an increase of pension to Lewis A. Clemons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8727) granting an increase of pension to Leroy Litchfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8728) granting an increase of pension to Jonathan H. Slocum; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 8729) making an appropriation to Clarence W. Turner and William B. Hord in payment of services rendered by them to the Creek Nation; to the Committee on Indian Affairs.

By Mr. HUTCHINSON: A bill (H. R. 8730) granting a pension to Louis Coutier; to the Committee on Pensions.

Also, a bill (H. R. 8731) granting a pension to Ellen Johnston; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 8732) for the relief of the estate of David B. Dowdell; to the Committee on War Claims.

By Mr. KELLEY: A bill (H. R. 8733) granting a pension to Sarah F. Clark; to the Committee on Pensions.

Also, a bill (H. R. 8734) granting a pension to George H. Burton; to the Committee on Pensions.

By Mr. LESHNER: A bill (H. R. 8735) granting a pension to John U. Shroyer, alias John W. Schroyer; to the Committee on Pensions.

By Mr. LIEBEL: A bill (H. R. 8736) granting a pension to Sylvester P. Martin; to the Committee on Pensions.

Also, a bill (H. R. 8737) granting a pension to Emma Coffey; to the Committee on Pensions.

Also, a bill (H. R. 8738) granting a pension to Minnie F. Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8739) granting an increase of pension to Anna M. Schlaudecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8740) for the relief of Martin P. Craven; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 8741) granting an increase of pension to Edmund P. Matheny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8742) granting an increase of pension to David Gilchrist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8743) for the relief of Hugh Chambers; to the Committee on Military Affairs.

By Mr. McCULLOCH: A bill (H. R. 8744) granting an increase of pension to John H. Blessing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8745) granting a pension to Antoni Oltmann; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 8746) for the relief of James H. Rhodes & Co.; to the Committee on Claims.

By Mr. MATTHEWS: A bill (H. R. 8747) granting a pension to Clarence E. Gleason; to the Committee on Pensions.

Also, a bill (H. R. 8748) granting a pension to Albert L. Funk; to the Committee on Pensions.

Also, a bill (H. R. 8749) granting an increase of pension to Daniel Houts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8750) granting an increase of pension to Esther A. Karschner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8751) granting an increase of pension to John Love; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8752) granting an increase of pension to Daniel McManawa; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8753) granting an increase of pension to Fred Porter; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 8754) granting a pension to Grace P. McCarty; to the Committee on Pensions.

Also, a bill (H. R. 8755) granting an increase of pension to Henry Walton; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 8756) granting an increase of pension to Mary A. Bourke; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 8757) granting an increase of pension to Philip Smathers; to the Committee on Invalid Pensions.

By Mr. OAKLEY: A bill (H. R. 8758) granting an increase of pension to Abby J. Caldwell; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 8759) granting a pension to Charles C. Abernathy; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 8760) granting an increase of pension to Sarah M. Haskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8761) granting an increase of pension to Anna Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8762) granting an increase of pension to Hannah B. Allen; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 8763) granting a pension to James Bellamy; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 8764) granting an increase of pension to Torbet C. Canfield; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 8765) for the relief of the heirs of Henry Tamy, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8766) for the relief of the heirs of Thomas S. Sneed, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8767) for the relief of Mount Zion Methodist Church, of Boone County, Mo.; to the Committee on War Claims.

Also, a bill (H. R. 8768) for the relief of the estate of Gordon M. Shearer; to the Committee on Claims.

Also, a bill (H. R. 8769) to perfect the title of the heirs of James S. Rollins, deceased, to bounty land warrant No. 58479, issued to George Hickum; to the Committee on the Public Lands.

By Mr. SHERLEY: A bill (H. R. 8770) granting an increase of pension to Annie Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8771) granting an increase of pension to Eva M. Van Pelt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8772) granting an increase of pension to Kate A. Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8773) granting an increase of pension to Catherine Floden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8774) granting an increase of pension to Zachariah Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8775) granting a pension to John J. Tully; to the Committee on Pensions.

Also, a bill (H. R. 8776) granting a pension to William Miles; to the Committee on Pensions.

Also, a bill (H. R. 8777) granting a pension to Martha E. Brabson; to the Committee on Pensions.

Also, a bill (H. R. 8778) granting an increase of pension to Orlando Ducker; to the Committee on Pensions.

Also, a bill (H. R. 8779) for the relief of the Nashville & Decatur Railroad Co.; to the Committee on Claims.

Also, a bill (H. R. 8780) for the relief of John R. Gleason and George W. Gosnell, partners under the firm name of Gleason & Gosnell; to the Committee on Claims.

Also, a bill (H. R. 8781) for the relief of William E. Horton; to the Committee on Claims.

By Mr. SHERWOOD: A bill (H. R. 8782) granting a pension to Harmon G. Verner; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 8783) granting an increase of pension to David Winsor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8784) granting an increase of pension to Elmer P. Shepherd; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 8785) for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long; to the Committee on Claims.

By Mr. SNYDER: A bill (H. R. 8786) granting an increase of pension to Adelaide I. Feeter; to the Committee on Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 8787) for the relief of the heirs of Hundley V. Fowler, deceased; to the Committee on Claims.

By Mr. SUMNERS: A bill (H. R. 8788) for the relief of Lyman D. Drake, jr.; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 8789) granting an increase of pension to George W. Dow; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8791) granting an increase of pension to Stephen F. Cassaday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8792) granting a pension to Elonzo B. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 8793) granting an increase of pension to C. M. Hildebrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8794) granting a pension to George T. Talley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8795) granting a pension to Sarah T. Hendrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8796) granting a pension to Martha C. P. Westray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8797) granting a pension to Sandford R. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8798) granting an increase of pension to Joseph A. Whalin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8799) granting a pension to Roy W. Noe; to the Committee on Pensions.

Also, a bill (H. R. 8800) granting a pension to Helen Dannat; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 8801) granting an increase of pension to John R. Gartrell; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 8802) granting an increase of pension to Martha J. Field; to the Committee on Invalid Pensions.

By Mr. WATSON of Pennsylvania: A bill (H. R. 8803) granting a pension to Henrietta Morris; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 8804) granting an increase of pension to Charles A. Matthews; to the Committee on Invalid Pensions.

By Mr. TALBOTT: Joint resolution (H. J. Res. 96) for the relief of the heirs of George B. Simpson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of American Federation of Labor, favoring an investigation of the Steamboat-Inspection Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: Petition of citizens of Effingham, Kans., favoring a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. ASHBROOK: Evidence to accompany House bill 3757, for the relief of Alonzo Spurgeon; to the Committee on Invalid Pensions.

Also, petition of People's Banking Co., of Coshocton, Ohio, against a stamp tax on bank checks, etc.; to the Committee on Ways and Means.

Also, evidence to accompany House bill 3120, for relief of Jennie Raley; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of J. C. Beitel and other citizens of Kansas, against increase of armament in United States; to the Committee on Military Affairs.

By Mr. BACHARACH: Petition of the American Neutrality and Peace Convention, asking investigation of control of certain United States officials by E. M. House and agents of England, and impeachment, etc., of guilty officials; to the Committee on the Judiciary.

Also, memorial of Upper Evesham Monthly Meeting of the Religious Society of Friends, against increase of armament; to the Committee on Military Affairs.

By Mr. BARNHART: Petition of merchants of Goshen, Elkhart, and other northern Indiana cities, in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of William H. Hubbell Camp, No. 4, Department of New York, United Spanish War Veterans, favoring pensions for widows; to the Committee on Pensions.

Also, memorial of Chamber of Commerce of the State of New York, favoring retention of duty on sugar; to the Committee on Ways and Means.

Also, petition of New York Post Office Laborers' Benevolent Association, favoring passage of House bill 4771, relative to classification for the post-office laborers; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Memorial of Board of Trade of Schenectady, N. Y., favoring submission of railway pay for carrying the mails to the Interstate Commerce Commission with power to adjust the same; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of citizens of Kenosha, Wis., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. COPLEY: Papers to accompany House bill 8269, granting an increase of pension to Emily C. Sperry; to the Committee on Invalid Pensions.

By Mr. CURRY: Memorial of Fraternal Brotherhood of Richmond, Cal., favoring passage of the Hamill bill; to the Committee on Reform in the Civil Service.

By Mr. DALE of New York: Memorial of memorial and executive committee of United States War Veterans of Brooklyn, favoring pension for widows; to the Committee on Pensions.

Also, petition of War Veterans and Sons' Association, United States of America, favoring House bill 15402, Sixty-third Congress, to pension survivors of certain Indian wars; to the Committee on Pensions.

By Mr. DARROW: Memorial of Religious Society of Friends of Pennsylvania, New Jersey, Delaware, and Maryland, against increase of armament; to the Committee on Military Affairs.

By Mr. ELSTON: Petition of American Neutrality and Peace Convention of San Francisco, Cal., favoring an investigation of certain United States officials; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of Oakland, Cal., relative to railway mail pay; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of Melville Woolen Co., relative to protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. FULLER: Petition of American Oil Development Co., against Federal tax on gasoline, etc.; to the Committee on Ways and Means.

Also, petition of National Council of Congregational Churches, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petition of the American Neutrality and Peace Convention, relative to violation of neutrality by United States; to the Committee on Foreign Affairs.

By Mr. GORDON: Petition of the Wilson Fastener Co., of Cleveland, Ohio, relative to tariff on snap fasteners; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Hygrade Hosiery Mill, of Manheim, Pa., favoring protection for manufacturers of dyestuffs; to the Committee on Ways and Means.

Also, memorial of American Federation of Labor, against the repeal of the seamen's law; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON of New York: Papers to accompany House bill 8554, granting an increase of pension to David G. Bliss; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8553, for the relief of Francis A. Bliss; to the Committee on War Claims.

By Mr. HAYES: Memorial of Merchants' Association of Watsonville, Cal., favoring passage of the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLINGSWORTH: Petition of American Neutrality and Peace Convention, relative to unneutral way of conducting foreign policies; to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of the American Neutrality and Peace Convention, relative to violation of neutrality; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of Troop C, detachment of Cavalry, Rhode Island National Guard, of Providence, R. I., favoring federalization of National Guard; to the Committee on Military Affairs.

By Mr. LAFEAN: Petition of Colonel Edwin B. Watts Camp, No. 68, Department of Pennsylvania, United Spanish War Veterans, favoring pensions for widows; to the Committee on Pensions.

Also, memorial of Cleveland (Ohio) Chamber of Commerce, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Pennsylvania Association of Union Volunteer Officers of the Civil War, relative to pay of Civil War volunteer officers on retired list; to the Committee on Military Affairs.

Also, petition of the American Neutrality and Peace Convention, relative to violation of neutrality; to the Committee on Military Affairs.

By Mr. LIEBEL: Papers to accompany House bill 6261, for pension for Frank L. Weiss; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6266, for the relief of John W. Heald; to the Committee on War Claims.

Also, papers to accompany bill granting a pension to Anna M. Schlandecker; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Minnie F. Zimmerman; to the Committee on Invalid Pensions.

By Mr. MANN: Petitions of Cigar Makers' Union of Chicago, Ill.; Chicago (Ill.) Federation of Labor; and United Brotherhood of Carpenters and Joiners of America, Cook County, Ill., favoring the creation of nonpartisan and permanent tariff commission; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of the American Neutrality and Peace Convention, relative to violation of neutrality by United States; to the Committee on Foreign Affairs.

By Mr. OAKLEY: Petition of the American Neutrality and Peace Convention, relative to violation of neutrality; to the Committee on Foreign Affairs.

Also, petition of Warehouse Point Silk Co., of Warehouse Point, Conn., relative to protection for manufacturers of dyestuffs; to the Committee on Ways and Means.

By Mr. OVERMYER: Petition of Seneca County Liquor League, Tiffin, Ohio, protesting against increase of tax on beer; to the Committee on Ways and Means.

Also, petition of John A. Himmelein, of Sandusky, Ohio, protesting against emergency tax on theaters, and proposed increase of same; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of the Mirklejohn Co., of Pawtucket, R. I., favoring passage of Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Narragansett Finishing Co., Cranston, R. I., relative to protection for manufacturers of dyestuffs; to the Committee on Ways and Means.

Also, petition of Stenographers, Typewriters, Bookkeepers and Assistants Association, favoring child-labor bill; to the Committee on Labor.

Also, petition of Wolcott Manufacturing Co., of Providence, R. I., favoring national defense; to the Committee on Military Affairs.

By Mr. ROWE: Petition of International Union of the United Brewery Workmen, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of knitting manufacturers of Central West, favoring protection of manufacturers of dyestuffs; to the Committee on Ways and Means.

Also, petition of William H. Hubbell Camp No. 4, Department of New York, United Spanish War Veterans, favoring pensions for widows; to the Committee on Pensions.

Also, memorial of Council of Congregational Churches of America, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of 260 citizens of ninth congressional district of Minnesota, favoring taxing mail-order houses; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of Troop C, detachment of Cavalry, Rhode Island National Guard, in favor of federalizing the National Guard; to the Committee on Military Affairs.

Also, petition of International Braid Co., of Providence, R. I., relative to protection for manufacturers of dyestuffs in United States; to the Committee on Ways and Means.

By Mr. SNYDER: Petition of Utica (N. Y.) Knitting Co. and Williams Manufacturing Co., of Rome, N. Y., favoring passage

of House bill 702, to protect manufacture of dyestuffs in the United States; to the Committee on Ways and Means.

By Mr. WEBB: Petitions of employees of Cherryville Manufacturing Co., Trenton; cotton mills, of Gastonia; and Mays mills, of Maysworth; and of the Albion and Mount Holly Cotton Mills Cos., Mount Holly, N. C., against the Keating-Owen child-labor bill; to the Committee on Labor.

By Mr. YOUNG of North Dakota: Petition of George O. Goulet, of Odeska, N. Dak., and others, urging that the Panama Commission be thoroughly investigated and prosecuted for violations of Sherman antitrust law; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, January 12, 1916.

Rev. Boyd V. Switzer, of the city of Washington, offered the following prayer:

Almighty God, in the attainment of the high ideals that characterize us as a Nation as well as in the unique position that we occupy among the nations of the earth, we recognize Thee to be the invisible yet mighty power in our life. Surely the hand that made us is divine. Beyond all measure Thou hast blessed and honored us in choosing us to exemplify both in our national life and in our relations to all the nations of the world those larger and finer truths revealed by Thy eternal Son. Do Thou continue to inspire us with that spirit divine that we may be true and faithful to the trust of our high calling. In Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO. (H. DOC. NO. 546).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I present a great number of memorials in the form of communications to myself from citizens of North Dakota, in opposition to great appropriations for preparedness for national defense. I ask that one be read and that all be referred to the appropriate committee.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

FARGO, N. DAK., December 28, 1915.

Senator ASLE GRONNA, Washington, D. C.

DEAR SIR: As a citizen of North Dakota I urge you to use whatever influence you may deem advisable in opposition to the program for the increase of our Army and Navy. The large standing armies, in my opinion, have contributed largely to the present European conflict. The policy of preparedness has no limitation as to its extent. Furthermore, the taxes used in sustaining a large Army and Navy may be better turned into channels of constructive legislation and education.

Hoping that this request and these reasons may commit themselves to your consideration, I am,

Very truly, yours,

EDWIN F. MOORE.

The VICE PRESIDENT. The memorials will be referred to the Committee on Military Affairs.

Mr. JOHNSON of South Dakota. I present 12 memorials in the form of personal communications to me, touching the question of preparedness, which I request be referred to the appropriate committee.

The VICE PRESIDENT. The memorials will be referred to the Committee on Military Affairs.

Mr. JOHNSON of South Dakota presented memorials of sundry citizens of Leola, Mitchell, Waubay, Wessington Springs, Lake Andes, and Rapid City, all in the State of South Dakota, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented the memorial of Edith P. Flanders, State superintendent, department of peace, Woman's Christian Temperance Union of Grasmere, N. H., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. BRYAN presented a petition of the Manatee County Medical Association, of Florida, praying for an increase in the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

SAN ANTONIO BICENTENNIAL EXPOSITION.

Mr. MARTINE of New Jersey. From the Committee on Industrial Expositions I report back favorably, without amendment, the joint resolution (S. J. Res. 72) to provide for holding the San Antonio Bicentennial Exposition in 1918, and I submit

a report (No. 39) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHILTON:

A bill (S. 3429) granting a pension to William L. Childers;

A bill (S. 3430) granting a pension to Caspar Hartman; and

A bill (S. 3431) granting a pension to Margaret Jane Berry (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 3432) granting an increase of pension to Alphonso W. Longfellow (with accompanying papers); and

A bill (S. 3433) granting an increase of pension to Clara P. Boulter (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND (for Mr. SMITH of Michigan):

A bill (S. 3434) to provide for the purchase of the building now being used as the post office at Kalkaska, Mich.; to the Committee on Public Buildings and Grounds.

A bill (S. 3435) for the relief of Charles F. Ball (with accompanying papers); to the Committee on Public Lands.

A bill (S. 3436) for the relief of John Alexander Besonen (with accompanying papers); to the Committee on Claims.

A bill (S. 3437) granting a pension to Mary H. Babcock (with accompanying papers);

A bill (S. 3438) granting an increase of pension to Christian C. Forney;

A bill (S. 3439) granting a pension to Mary N. Seely (with accompanying papers);

A bill (S. 3440) granting an increase of pension to John Johnston (with accompanying papers);

A bill (S. 3441) granting an increase of pension to George R. Rosenbrook; and

A bill (S. 3442) granting a pension to Amanda Kelley (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN (by request):

A bill (S. 3443) for the relief of certain persons, their heirs or assigns, who heretofore conveyed lands inside national forests to the United States; to the Committee on Public Lands.

By Mr. MARTINE of New Jersey:

A bill (S. 3445) granting a pension to Navarra Kantz Simpson; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 3446) for the relief of Bonnar Borzie and his minor children, Helen, Joseph, Rosalie, and Mary; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 3447) for the erection of a Federal building at Childress, Tex.;

A bill (S. 3448) to provide for the purchase of a site and the erection of a public building thereon at Canadian, Tex.;

A bill (S. 3449) to provide for the erection of a public building at Memphis, State of Texas;

A bill (S. 3450) to provide for a public building at Big Springs, Tex.;

A bill (S. 3451) for the erection of a new Federal building at Brownsville, Tex.; and

A bill (S. 3452) for the erection of a Federal building at Huntsville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. HOLLIS:

A bill (S. 3453) for the relief of the legal representatives of George W. Soule; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 3454) granting an increase of pension to Donald C. Glasgow; and

A bill (S. 3455) granting an increase of pension to Mrs. Joseph B. Copper (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 3456) granting an increase of pension to Charles A. Pepper; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 3457) to provide for recognizing the value of the services of such citizens of the United States, not officers of the Army, Navy, or Public Health Service, who were employed by the Isthmian Canal Commission or the Panama Railroad Co.,